DOCUMENT RESUME

ED 142 861 CG 011 588

TITLE	Crime Against the Elderly. Hearing Before the Subcommittee on Federal, State and Community Services of the Select Committee on Aging, House of Representatives, Ninety-Fourth Congress, Second Session.
INSTITUTION	Congress of the U.S., Washington, D.C. House Select Committee on Aging.
PUB DATE	77
NOTE	98p.; For related document, see CG 011 589 ; not available in hard copy due to small type of original
AVAILABLE FROM	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (HC $1.30)
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	Aggression; City Problems; *Crime; Government Publications; Justice; *Law Enforcement; Prevention; *Senior Citizens; *Social Problems; *Urban Areas; *Violence

ABSTRACT

This Hearing before the House Subcommittee on Federal, State and Community Services of the Select Committee on Aging includes statements from congressmen, police and medical officers, and senior citizen helping persons. (JLL)

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CRIME AGAINST THE ELDERLY

ED142 861

HEARING

BEFORE THE

SUBCOMMITTEE ON
FEDERAL, STATE AND COMMUNITY SERVICES

OF THE

SELECT COMMITTEE ON AGING
HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

SECOND SESSION

HELD IN NEW YORK, N.Y., DECEMBER 13, 1976

Printed for the use of the Select Committee on Aging

CG011 588

U.S. GOVERNMENT PRINTING OFFICE
82-810 O WASHINGTON : 1977

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Washington, D.C. 20402 - Price $1.30

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CRIME AGAINST THE ELDERLY

MONDAY, DECEMBER 13, 1976

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON AGING,
SUBCOMMITTEE ON FEDERAL, STATE, AND COMMUNITY SERVICES,
New York, N.Y.

The subcommittee met, pursuant to notice, at 9:30 a.m., at 26 Federal Plaza, New York City, Hon. Mario Biaggi (acting chairman) presiding.

Subcommittee member present: Representative Biaggi of New York.

Full committee member present: William S. Cohen of Maine.

OPENING STATEMENT BY HON. MARIO BIAGGI

Mr. BIAGGI. I am pleased to convene this hearing of the Subcommittee on Federal, State, and Community Services of the House Select Committee on Aging.

I extend a warm welcome to my colleagues on the committee who are participating on the panel this morning: Congressman William S. Cohen from Maine, and Congressman Rangel should be here, who is a member of the House Ways and Means Committee which funds many senior citizen programs.

Congressman Cohen is on the Judiciary Committee which has multiple responsibilities that relate to our problems.

This hearing has been called to discuss and find solutions to the proliferating problem of crime against the elderly. This is a national problem but very personal in its effects. The crime situation has thrown a cloak of fear and apprehension over millions of elderly Americans.

It is a scandal, corroding the golden years of our aged citizens and transforming them into years of terror and hardship. All law-abiding citizens must share my outrage at the increase in crimes against the elderly. Something in our system, in our society, is terribly wrong when even our elderly citizens cannot walk down a street safely and peacefully.

Something is drastically askew when people who are arrested for assaulting and even murdering an elderly person benefit from a system of justice which allows them to go free. When juvenile predators who prey on defenseless elderly citizens are treated with a soft hand of the law, then we have failed as a nation.

When elderly citizens are driven to the point of preferring suicide to living, then we have failed as a society.

We are in New York for these hearings because of the wide amount of national media attention focused on our very serious elderly crime

problem. More than 90 elderly New Yorkers have been murdered in this year. Hundreds more have been assaulted, raped, and robbed of their very life savings.

The crimes have been committed in the poorest as well as the poshest areas of the city. Elderly all over the city share a feeling of helplessness and despair. Thousands have become imprisoned in their own homes, forced to live their remaining years in fear and loneliness. The time has come for action. Words alone will solve nothing.

We need a coordinated mobilization of local, State, and Federal resources to combat this menace to society. Some suggestions and recommendations will emerge in this hearing. I have my own thoughts on what can and should be done to better protect our elderly citizens, to punish those who would harm them, deter those who would harm them.

Most of my proposals will be introduced as legislation in the next Congress.

They include: A Cabinet level Department of Elderly Affairs, mandatory prison sentences for those convicted of violent crimes against the elderly, lower the age under which juveniles can be treated as adults under the law, restoration of the death penalty for specific crimes, funds to cities to rehire laid-off police, fingerprinting of juveniles, and several others in obtaining grants for the problem.

Another fundamental concern is crime victims assistance. The Federal Government must step up its efforts to assist victims of crimes, especially elderly victims. Of the $15 billion we spend each year on our criminal justice system, less than 1 percent goes to the aid of victims of crime. A number of States, including New York and Nevada, have established crime victim compensation programs. If we really intend to aid victims of crime, there must be a national program of crime victims assistance. When you consider that of every 100 victims who file civil suits against their assailants, only two receive compensation, that is no justice, that is no satisfaction, that is not worth the trouble.

Legislation to create a Federal victims compensation program was passed by the Senate but not by the House. The prospects for the full congressional approval this year are good.

I will introduce a victims compensation bill with special emphasis on providing direct and immediate payments to elderly crime victims.

I am confident that this hearing will have meaningful results. Our efforts must not and will not end with the adjournment of this hearing. Rather, it will be the catalyst for action for solutions to the national disgrace of crimes against the elderly.

It is my pleasure to introduce to you now, Congressman William Cohen of Maine.

OPENING STATEMENT BY HON. WILLIAM S. COHEN

Mr. COHEN. Thank you, Mr. Chairman.

I think it is important that these hearings are being held in New York. I think it is important that the people of New York know of your great concern about crime and also about your concern for the elderly because the chairman has been one of the most outspoken and

most influential Members of Congress in the field of combating crime and of expressing his concern for our senior citizens.

I recall during the height of the financial crisis in New York City, the citizens tried to dramatize their concern by calling New York "Fear City." Well, fear is not confined to New York.

I noticed in today's Washington Post that there is a report that San Francisco is now plagued with the most violent and lawless period in its history. Practically every major metropolitan area is experiencing the same disease which has reached epidemic proportions, and no one is more vulnerable to lawlessness than our elderly. They have become locked into an existence filled with fear.

I noticed yesterday's Washington Star headline, "Increasing Crime Imprisons Elderly in a World of Fear." Every major newspaper and article now talks and begins with fear accompanying the elderly in this Bronx neighborhood.

For example, when the mere sound of footsteps behind them sends their hearts racing with terror, when every approaching youth is looked upon as a harbinger of violence and assault, and when their homes or apartments are turned into windowless fortresses, then our senior citizens come to hate that which they fear the most. When one must live under the threat of danger and harm, when one is helpless to run or strike back or seek redress in the courts, then life itself becomes a fragile hourglass that is filled with fear and hate.

Mr. Chairman, we should not allow the lawless to tyrannize the minds and hearts of our helpless and to raise phantoms of horror with every sunset.

Mr. Chairman, fear is a painful emotion. Early and provident fear may be the father of safety, but fear that does not contribute to one's safety is pain without benefit, without any socially redeeming virtue.

So, Mr. Chairman, every measure whereby this committee can make recommendations which will reduce or remove terror will contribute to the human happiness of our senior citizens and make life worthy of loving rather than hating.

I want to commend you once again for calling hearings here in the city of New York because here you have perhaps the most dramatic incidence of violent crime against the elderly. I think you are to be commended to the people of this city for your interest and your leadership here.

Mr. BIAGGI. Thank you very much, Congressman Cohen.

Our first witness will be the Director of the FBI, Mr. Clarence Kelley.

I would like to welcome the Director, Mr. Kelley, and I would like to thank him for his presence this morning. We recognize the great demands you have on your time.

I would like to also congratulate you for your exemplary career in law enforcement. As a former police officer myself, we look with great esteem upon the Director of the FBI, and it heartened us when you were first appointed, knowing that you knew the problems from the street all the way up.

We are sufficiently impressed with your dedication and your sense of cooperation and your interest, especially in this problem. We welcome you to New York and invite you to make your remarks to us.

STATEMENT OF HON. CLARENCE M. KELLEY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION; ACCOMPANIED BY THOMAS L. CARPENTER AND MICHAEL F. KIRCHENBAUER, SPECIAL AGENTS

Mr. KELLEY. Gentlemen, I welcome the opportunity to appear for a second time before a subcommittee of the House Select Committee on Aging.

I have with me two gentlemen who I think are very conversant with the matter which I am going to speak about, and would like to have them share in responding to any questions. They are Mr. Tom Carpenter and Mr. Mike Kirchenbauer, both of whom were part of the project.

As I told the members of your Subcommittee on Housing and Consumer Interests last April,[1] we in the FBI most genuinely share the deep concern which this committee—and, in fact, the entire Congress—has shown for the plight of the elderly.

It has been our experience that no group of Americans is beset by a greater complex of problems and fears than our aging citizens. Each of these problems, each of these fears, has the inevitable effect of narrowing the perimeters of their lives.

The evidence is all too clear that crime—both the fact of crime and fear of crime—is no exception.

Dramatic testimony to this effect was given here in New York just 8 days ago. I refer to the special conference regarding crime in which you participated, Congressman Biaggi.

More than 200 persons attended that conference, most of them elderly. Included was a 73-year-old woman who complained that fear of crime had driven her to "the desperation point."

"I want the right to live without being a prisoner in my apartment," she pleaded.

Increasingly, the homes of elderly persons and even younger Americans are taking on the dimensions of a fortress. In fact, according to one newspaper account, home protection estimated as a $175 million business in 1971, is expected to grow to $400 million by 1980.

Fear of crime can have most tragic consequences, particularly among the elderly. This was demonstrated early this fall when a husband and wife, both in their seventies, committed suicide shortly after their apartment was broken into and the woman brutalized. A note found near their bodies explained that they were "tired of living in fear."

Last year, I read about a 65-year-old resident of Virginia, who began sleeping with a pistol under his pillow after his home was burglarized. We in the FBI strongly discourage the idea of taking any kind of weapon to bed.

In any event, it proved worthless to this man. Criminals pillaged his property again; and this time, he posted a sign on his front lawn offering a reward. However, he felt compelled to take down the sign when he was asleep or away from home because, in his own words, "They keep on stealing them, too."

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[1] Hearing on "Elderly Crime Victimization (Federal Law Enforcement Agencies—LEAA and FBI)," held April 13, 1976, by the Subcommittee on Housing and Consumer Interests, House Select Committee on Aging.

Examples such as this illustrate the fact that fear of crime, as well as individual reactions to that fear, take many forms.

In the words of one sociologist and professor of law at an eastern university, "There is no keen and precise estimate of the extent to which fear of crime changes people's behavior. But it's enormous: they take taxis instead of walking; they barricade their houses; they close up their cities tight after dark."

In many instances, fear may exceed the actual threat of crime itself. Nonetheless, that fear is real. It is both a real and an awesome force in the lives of those it afflicts.

Crime also is a real and awesome force. In your lifetime and mine, it has experienced a phenomenal growth. During the 1970's, for example, the number of serious offenses reported to police departments in this country has outstripped our population growth by more than 7 to 1.

In 1975 alone, some 11,200,000 serious offenses were reported. That is equivalent to 21 serious crimes every minute of every day throughout the year.

A bleak picture? Yes. But there are hopeful signs—signs that progress is being made—progress not only in stemming the rise, but toward reversing the upward trend of crime.

Available data tell us that during the first 6 months of 1976, serious crime increased only 3 percent over the same period of last year. This is contrasted to a 13 percent rise in crime across the United States during the first half of 1975.

Furthermore, crimes of violence—murders, forcible rapes, robberies, and aggravated assaults—decreased 6 percent as a group from January through June of this year.

In addition, 63 American cities having populations of over 100,000 reported declines in serious crimes for the first 6 months of 1976.

Admittedly, these statistics are short term; they reflect only a 6-month period.

But there are other hopeful signs; and none of them is more important than the new relationship—the closer rapport—that has fast been developing between America's law enforcement agencies and the public they serve.

Look for example, at the proliferation of police-community relations programs which began in the 1960's and continues today. Their objective is to build increasingly stronger personal ties and communications between law enforcement officers and local citizens—in brief, to expand both the quality and the quantity of police participation in every key area of community activities and affairs.

Most recently, these undertakings have been joined by crime resistance programs, programs designed to mobilize citizens to resist crime, and thereby reduce crime, through their own efforts, first, in making themselves less vulnerable to being victimized and, second, in becoming more active in assisting police.

Let me emphasize that crime resistance does not in any manner entail vigilantism or physical resistance to the armed criminal. In fact, it discourages do-it-yourself law enforcement and emphasizes, instead, responsible citizen cooperation with the police.

It is a basic premise of crime resistance that high crime rates are not an irreversible fact of life in these United States—that citizens work-

ing with their police on the community level can help achieve substantial reductions in crime.

Furthermore, it impresses that these reductions can be achieved through the use of simple, yet effective, self-help measures that are both low in cost and based on common sense.

For the past 1½ years, it has been the FBI's privilege to participate in special crime resistance programs launched in Birmingham, Ala.; DeKalb County, Ga.; Norfolk, Va.; and Wilmington, Del. Another city, Phoenix, Ariz., was added to this project early this year.

In each of these communities, a law enforcement task force headed by the chief of police and consisting of two police officers and two FBI agents has worked with local citizens to combat a special area of the crime problem.

These areas have ranged from crimes against youths in DeKalb County to crimes against the elderly in Wilmington. In Norfolk, our joint crime resistance effort has focused on crimes against women. Its target in Birmingham has been trafficking in stolen property, and burglary, and street crimes in Phoenix.

Though their targets have differed, these five programs have featured one basic plan of attack, a multipronged attack consisting of:

First, developing a practical understanding of the crime hazards which confront the local citizens, particularly in the areas where they reside and work.

Second, striving to create greater citizen awareness and use of crime safety measures to counter their vulnerability to crime.

Third, encouraging the citizens involved to work with local groups such as business, industrial and civic organizations, and with the police to meet head-on the crime problems confronting them.

Fourth, asking local citizens to familiarize themselves not only with the functions, but with the performance, of the various elements of the criminal justice system in their community, including police, prosecutors, judges, correctional authorities, and, of course, lawmakers.

Fifth, stressing the necessity of aiding victims of crime.

To illustrate practical applications of these concepts, let me draw again—as I did in my appearance before the Subcommittee on Housing and Consumer Interests last spring—from our experience in Wilmington, Del.[1]

At the outset in Wilmington, we made a study of crimes against the elderly there. It highlighted the prevalence of purse snatchings. Furthermore, it showed the victim most often to be a woman who was walking alone and carrying a handbag where it was readily visible. We also found that she was most likely to be victimized in her own neighborhood, during daylight hours, and by a male in his teens—usually one who lived in a nearby area.

After these facts had been assembled, a series of countermeasures was devised. They included a widespread campaign to urge women not to carry pocketbooks unless absolutely necessary but, instead, to keep their cash and credit cards in purses small enough to be concealed in inside pockets of their clothes.

Moreover, with the assistance of a sewing machine manufacturer, a group of volunteer seamstresses designed a pattern for a pocket that

[1] See hearing on "Elderly Crime Victimization (Wilmington, Del., Crime Resistance Task Force)," held May 6, 1976, by the Subcommittee on Housing and Consumer Interests, House Select Committee on Aging.

would serve this special purpose. Copies of that pattern then were distributed to senior citizens centers, apartments for the elderly, and related facilities in the Wilmington area.

In addition, women—particularly the elderly—were urged not to travel the streets alone; and the assistance of good samaritans was solicited as escorts for elderly persons, especially in high-crime areas of the community.

Moreover, school officials were alerted to the heavy role of youths in purse snatchings, and plans were made for a stepped-up campaign against truancy in the adolescents.

The latest assessment of these and related crime resistance efforts in Wilmington—information which I received just last week—indicates that street crimes against the elderly, including purse snatchings, decreased 22 percent there in the first 9 months of 1976, compared with the same period of 1975.

I am sure you will agree that is highly encouraging progress.

The FBI's direct involvement in the programs in Wilmington and the other four pilot project communities is nearing an end. But our overall crime resistance commitments continue to expand. In fact, to assure that these commitments are promptly and effectively met, it has been necessary to designate a full-time crime resistance agent in each of our 59 field offices.

Let me highlight for this committee some of the FBI's other crime resistance undertakings which lie in the area of your foremost concern.

Thirteen months ago, in conjunction with the National Retired Teachers Association/American Association of Retired Persons, it was our privilege to host a special seminar on crime resistance and the elderly at the FBI Academy at Quantico, Va.

As an outgrowth of that seminar, a National Symposium on Crime Resistance and the Elderly also was held at our Quantico facilities in March 1976. More than 100 persons representing 41 States, together with the District of Columbia and Puerto Rico, participated in that 4-day session.

Another seminar—this one devoted to crime resistance and America's rural elderly—was held at the FBI Academy last summer. And as recently as December 3, a special planning conference to design training materials dealing with crime and the older American was concluded there. It resulted in plans being formulated for a special program at Quantico next spring where a select group of our agents will be trained to aid the elderly in resisting crime.

Quantico also is the site of the FBI National Academy training program, through which we provide 11 weeks of advanced instruction to career members of the law enforcement profession. Approximately 1,000 local, county, State, and Federal officers complete this course each year.

Early in 1975, a special elective course dealing with crime and the elderly was added to the curriculum of the National Academy. It has been exceptionally well received; and many graduates have been instrumental in promoting community crime resistance efforts in their own departments.

In addition, the FBI Academy staff members who teach this elective course have assisted in presenting seminars on crime resistance and the elderly for law enforcement authorities in several of our States.

These, then, are the highlights of what the FBI has been doing, and is doing, to help strengthen the defenses and improve the plight of our Nation's elderly against the forces of crime.

It is not a full accounting of our efforts. Nor have I touched on the many innovative programs—such as those of the Senior Citizens Robbery Unit of the New York City Police Department[1]—that have been designed and carried out by other agencies of our profession.

This fall, the U.S. Congress moved to lend additional Federal support to such programs when it passed the Crime Control Act of 1976. As you know, that bill provides for an Office of Community Anticrime programs in the Law Enforcement Assistance Administration—an office mandated to encourage community and citizen participation in resisting crime, and to provide grants for such purposes. Moreover, in the clearest terms possible, this bill encourages States to establish programs dealing with crimes against the elderly.

More than three decades of experience in the law enforcement profession have convinced me that no successful attack on crime can be made without the backing of an informed and determined citizenry.

My enthusiasm for the concept of crime resistance stems from the fact that it does encourage responsible and coordinated citizen action. In fact, it provides a blueprint for such action, and thereby it gives promise of a better and safer society not only for the elderly, but for Americans of all ages.

Thank you, sir.

Mr. BIAGGI. Thank you very much, Mr. Kelley, for a detailed and informative statement.

At the outset, many have asked in connection with this hearing, what will it accomplish! We have had any number of hearings in connection with crime against the elderly. My response and your statement sustains the notion that we must have a continued effort in this direction because the problem is one of crisis in nature. The Government has failed to adequately respond. And we don't intend to deal with this one as we do with other problems, with a flash-in-the-pan interest, and when it loses its sex appeal to the media and political segment, it becomes obscured.

This is one that I feel requires continued attention, and this hearing I am certain will be productive, and will lend to the efforts of those who have conducted other hearings on other levels of government.

Your presence indicates that the problem is not exclusively a local problem in that crime heretofore has been characterized as just that. But as a result of bitter experience, we know that we can't just stand by doing nothing. All levels of government must respond and the Federal level has responded in very substantial degree with moneys and with law and with general administrative commitment. Your presence here is evidence of that fact.

I may make a suggestion here that has very interesting connotations. We talk about citizens participating more closely with law enforcement, and no one can quarrel with that. You suggest monitoring all levels of performance, the police, courts, the correctional facilities. It has very interesting possibilities.

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[1] See hearing on "Confidence Games Against the Elderly," held Jan. 13, 1976, by the Subcommittee on Federal, State, and Community Services, House Select Committee on Aging.

We in Government should have an ability to monitor. I know that it is generally not sufficient, but by suggesting that, are you implying that we have programs and we have systems, but we don't have the ability to properly supervise and evaluate?

Mr. KELLEY. I don't think it necessarily means that. I think by monitorship there can be, as in the case of the various committee interests in the operations of various functions of Government, there can be a close alliance whereby that interest will stimulate additional activity and develop a rapport whereby we each understand one another.

For example, insofar as the history of the FBI during the past 3 or 4 years, there has been a great interest and understandably so, and one which is welcomed by the FBI in watching over, forming guidelines, and committees to help the operations of the FBI. In so doing we form a strong alliance to get the job done.

Insofar as the work of the FBI, I think we have a twofold mission. One is to establish the security as best we can within our capabilities of the country, and, second, to reduce crime. And we are discussing today the matter of reduction of crime.

Ours has been sort of an isolated position prior to now whereby we confined ourselves almost exclusively to the problem of Federal crimes.

I have been in this business for 36 years. I think that law enforcement has progressed tremendously in that period. As a matter of fact, they have progressed to the point where I think technically they are just about at their peak.

I think then insofar as professionalization, they are nearing the peak. They have reached, in other words, almost their full capabilities. There must be more done because the problem still exists. So what is that need that must be filled? What more needs to be done?

I think if you look back into the history of law enforcement, you will find that early in the history of our country, we had the matter of law enforcement entrusted to citizens or to the militia. But we don't want to have the militia; we want the citizens to be the prime mover insofar as establishing their own safety.

As time went on, it became necessary, it was felt, to divest themselves of that safety, that attack upon crime, and invest it in some paid, full-time people, police. Police have done well. They have passed through many traumatic areas and eras, but I think that right now they are in very fine shape insofar as their capabilities are concerned.

It now appears that we must rejoin with the public. In devising this program right here, for example, one thing became very apparent to me, and that was that the program of traffic safety was extremely successful; traffic safety which brought about the condition of your son or your daughter, my son, and certainly my daughter, whereby, having gone through the traffic safety program in high school, they became almost insufferable, saying as you were driving along, "Now, dad, watch out. You are coming to the stop sign and that's a green light that has been green for some time, it is going to turn yellow. Be careful."

They said, "This is a stop sign. That means stop. It doesn't mean go." And they told us how to drive just by virtue of the fact that they were constantly on us. We, too, learned, and they learned, and there was a significant, a remarkable reduction in accidents as a result of this traffic safety program.

The youths, even the youngsters, the very young, were taught by virtue of the visiting clown and the others representing the police department that came around and taught them basic traffic safety.

In other words, they involved the people. I think you can do the same thing with this program, and it is based on that premise, plus the fact that law enforcement has just about reached the end of its capability to reduce crime, there has to be an additional assist.

And so we are using this. Will it be successful? It can't help but be successful if it is done as it should be done. We have a number of people who say that they despair of trying to rehabilitate.

James Q. Wilson has in one of his recent books spoken of this. I frankly think, too, that it is an extremely expensive thing to rehabilitate, and with the many, many expenses we have in life today, I don't know that we can actually afford to go through the many things that are necessary.

It is a great thing to be able to do it, but we have not been too successful. So what do we do? I think that our logical next step is to try to make ourselves less vulnerable. Here we have the elderly who have been attacked many times by this vicious thrust of crime. If they will just exercise more care. In their traffic hazard warfare, they have waited until the green light is clear. They have tried to make sure that they cross at the proper crosswalks. They have reduced the traffic problems of their own by being less vulnerable to the hazards of traffic. Let's see if we can't do the same thing insofar as crime, just by exercising some commonsense, easily remembered and easily followed rules.

A rather long response, sir, but I think that the time has come for us to monitor in many ways, and to do some things that are effective insofar as helping ourselves and at a rather low budget.

Mr. BIAGGI. One of the reasons that prompted me to ask that question, Mr. Kelley, was we have citizen groups in our city, on occasion monitoring the conduct of judges in our courts who are rather lax or at least overly lenient in connection with treating people who have been arrested for grievous assaults against the elderly, and permitting them to go out and commit additional crime.

We have had illustration after illustration where these individuals were arrested and released, and then went out and committed similar crimes. What it suggests to me is that perhaps a good monitoring system should be put in effect, but at least an analysis of the conduct of every segment of the law enforcement system.

Let's talk about the Wilmington experiment. I would have to assume that a similar crisis brought that experiment about, is that a fact?

Mr. KELLEY. Would it be possible to have Mr. Carpenter respond to that? Actually, insofar as the Wilmington project, he and Mr. Kirchenbauer are very knowledgable, and I would prefer it if we could.

Tom, could you give us an outline of that?

Mr. CARPENTER. Well, there was no crisis which brought about the experiment at Wilmington. It was chosen as one of the cities to participate, and due to, I guess, the relatively high percentage of the population being elderly in Wilmington, this was a project that we took on there.

Mr. BIAGGI. One of the figures that impressed me was the 22-percent decrease in street crime. Was there any single effort, any single facet of that program that you would attribute that decrease to?

Mr. CARPENTER. I would say that several factors account for that decrease. One major factor, I believe, was in making the elderly citizens of Wilmington aware of the findings of our study, and that is making them aware of what things make them most vulnerable to street crimes.

And through the cooperation of the news media, various news media in Wilmington, the elderly people in Wilmington were made aware of those circumstances which make them most vulnerable to street crimes.

After doing that, we devised some very simple programs that the citizens themselves could participate in and, of course, one of the things we discovered in Wilmington was that approximately 75 percent of the victims of street crimes among elderly were women, and that every one of those victims during that study period were carrying a purse at the time the crime occurred.

Now, it was a very simple deduction that if they were not carrying the purse, they probably would not have become a victim of crime. So we urged them not to carry purses unless they absolutely had to, and also through the efforts, as Mr. Kelley mentioned, of a sewing machine manufacturing company, they devised a simple pattern whereby a pocket could be concealed inside the clothing of elderly persons, and just carry what is necessary for that particular trip.

We feel that there has been a great deal of participation in this program and that is another factor which accounts for the decrease in crime, street crimes.

One other factor I might mention was the overwhelming statistic that about three out of four victims of street crimes during the study period were alone at the time the crime occurred. So we have encouraged them not to walk alone on the streets and have come up with a couple of programs where they can take advantage of some opportunities to be escorted or accompanied by volunteers when they are on the streets.

Mr. BIAGGI. What was the incidence of violent crimes and homicides against the elderly in Wilmington?

Mr. CARPENTER. We did not study that problem. It is not a prevalent problem there. We zeroed in primarily on muggings on the street, purse snatches, and robberies.

I might mention also that the reason we zeroed in on those crimes was because some previous studies had indicated that among all of the problems that concerned elderly people in the community of Wilmington, mugging was the problem that they felt was the most serious as far as they were concerned.

Mr. BIAGGI. I have a couple of very short questions.

In connection with assigning crime resistance agents to various areas, do we have one in New York City?

Mr. KELLEY. You will, and possibly will be two, but this has just been started insofar as the entire country is concerned, and we will have someone go around to the police chief, first to inform him of the possibility, and solicit his assistance and cooperation.

It may well be that each of the larger cities will have already started something similar to this, in which case they don't need that assistance, but if they do feel they need it, they will be given it, including here.

Mr. BIAGGI. Does the FBI keep statistics on crimes against the elderly as a separate category?

Mr. KELLEY. We do not have a category of the age and other descriptive items of victims. Were this to be added to the uniform crime reporting system, it would be very expensive and time-consuming. In this particular project, yes, we kept the statistics. I don't know whether in the future this will be possible, but it might add to the general knowledge that we need in order to handle it, but we do not now handle that.

Mr. BIAGGI. We are familiar with a great deal of the crime that is reported against the elderly, but would you agree that many crimes against the elderly go unreported?

Mr. KELLEY. Mike, would you answer that?

Mr. KIRCHENBAUER. Congressman, our experience is that the elderly, as a group unto themselves, do not let crime go unreported, much as younger people may who tend to shrug off an incident.

The problem we found was that, although the elderly, as victims, encountered weapons on the street in a very small percentage of the times, there was a very high incidence of injury, usually of the strong-armed method. And because of this, the crime was very often reported.

Mr. BIAGGI. Thank you.

Mr. Cohen?

Mr. COHEN. Thank you, Mr. Chairman.

I was interested in the quotation of statistics. I have been told that statistics, to rely upon them is like an inebriate leaning on a lamppost more for support than for illumination, but I would like to go back to this recounting of statistics.

Mr. Kelley, you indicated there has been a 3-percent increase over last year's rate which was about a 13-percent increase over the year before. So, what we have is a decrease in the rate of increase of crime in this country.

I was wondering how accurate that was in light of what the chairman just inquired. You indicated that elderly tend to report incidents of assault and burglary-robbery.

According to one article that I have here, that appeared in the Washington Post, it quotes a Bronx police spokesman. It says:

> The crimes against the old people that are actively investigated, according to the Bronx special robbery unit, represents only one-third of such cases reported to the police. In turn, the estimated 1,800 cases represent only half of the crimes because many elderly victims of robberies are either too afraid or too disillusioned to report them.

And so there seems to be some indication, in the press at least, by statements made by local police officials, that many times the elderly do not report the crime. That is just one point I would make.

Second, in view of the fact that no separate statistics are kept for elderly, even though there is a decrease in the rate of increase of crime, it is possible, isn't it, that the concentration might be against the elderly, since we don't know exactly who the people are who are being victimized? It could be a higher increase in the rate of crime against the elderly since they tend to be more vulnerable even though there is an overall decrease in the rate of increase?

Mr. KIRCHENBAUER. The only fact that I can give you in that regard was that when we considered the problem of street crime in Wilmington, the reason that the elderly people in Wilmington were chosen to be assisted was that they only comprised approximately 20 percent of Wilmington's population, but they were one-third or 33 percent of the victims of crime.

Therefore, their percentage of victimization was much higher than their demographic makeup. It was also determined that if you were over 60 in Wilmington, you had twice the possibility of being a victim of crime.

So your assumption, at least as far as Wilmington is concerned, is correct. The elderly are much more victimized.

Mr. COHEN. So when we talk about a decrease in the rate of increase, then that kind of obscures the fact that there is a greater concentration of crime against the elderly than the statistics would normally indicate.

Another point: I come from a rural area that doesn't suffer the same sort of problem that many of the metropolitan areas do. But, Mr. Kelley, you indicated in your statement that home protection is going to be a very big business in the coming years; that we expect to spend some $400 million by the year 1980.

No. 1, I would ask is that home protection productive? And, second, does your crime resistance course deal with consumer fraud? I assume that with the fear that is spreading throughout the country among the elderly people, that we also have a second problem, not only of fear of violent assaults, but also another type of fear now that they might be the victims of consumer fraud with inadequate or defective types of home protective devices which won't work but which will cost the American consumer some $400 million.

So do you, No. 1, have you made any study to find out whether the current methods of home protection are productive? And, second, do your crime-resistance courses deal with the issue of consumer fraud?

Mr. CARPENTER. Well, we, in Wilmington—I can only speak for our Wilmington project—we knew there was a problem with the elderly as far as consumer frauds are concerned, but we did not get into that, into that area. We stayed right on the problem of street crimes. So I really can't with any expertise answer your questions.

Mr. COHEN. Don't you think this would be an area that certainly the Federal Government would want to be concerned about as far as consumer fraud, because certainly in the rural areas the rural elderly do not suffer from the same problems that afflict those living in the cities? They do suffer from white collar crimes and consumer fraud.

It seems to me that with a big business about to boom in the field of home protection, we have another major area that the elderly will be victimized.

Mr. CARPENTER. I agree wholeheartedly that should be something that should be watched in the future.

Mr. COHEN. Another issue I would like to pursue about the decrease in the rate of increase of crime, what has been the rate of arrests, and more importantly, the rate of conviction within those statistics?

In other words, even though the overall rate of the increase has been declining this past year, has there been any increase in the rate of arrests or the rate of conviction?

Mr. CARPENTER. We also did not study that problem as far as arrests and convictions are concerned. In Wilmington, there was not a decrease in the rate of increase; there was a decrease, period, as far as the statistics are concerned.

Mr. COHEN. I was talking about the overall statistics cited by the Director.

Mr. CARPENTER. OK.

Mr. COHEN. It seems to me that would be a very relevant fact for the FBI to have in terms of not only the rate of increase but also the rate of arrests and the rate of conviction. I refer specifically to an article that appeared in Time magazine, November 29, 1976, where they point out that—they are talking now about the Bronx, I believe—that so far this year, although some 600 apartment robberies have been investigated in the Bronx, only 82 arrests have been made. So you have quite a discrepancy between the number of crimes and the actual arrests, or more importantly, the rate of conviction.

So the statistics alone don't really help us much without this other information to compare them with.

Mr. CARPENTER. This is true. Although we didn't document our findings, it was noticeable to us that during the study period the number of arrests compared to the number of offenses was a small percentage.

Mr. COHEN. And, finally, Mr. Kelley, I would like to have your response on this one.

I was very active in the drafting of the so-called Speedy Trial Act of 1974, which applies only to the Federal courts, but I hope would be a model for State courts to adopt as well. But that is going to require the trial of every person who is arrested for commission of a crime within 100 days from the date of arrest or that case is going to be dismissed.

Now, having served as a former prosecutor and also as a defense attorney, I found that delay works to the advantage of the person accused of crime. I am wondering whether or not the FBI would make a similar recommendation to States to provide the courts, the judges, the mechanism to really have a speedy trial.

One of the biggest problems I think they suffer in New York or other major urban areas is the tremendous timelag between the date of arrest, if there is an arrest to be made, and the date of trial, where the people are put back out on the streets 1, or 2, or even 3 years, to either commit crimes, a recidivist as such, and to terrorize the same community, the same people who reported the crime in the first place.

I was wondering whether or not the FBI would have any comment concerning the need for speedy trial legislation, the need to adopt mechanisms at the State level to speed up the trial process.

Mr. KELLEY. I frankly haven't noticed anything within the experiences of the FBI to indicate that this is particularly damaging to our investigatory possibilities.

Was not the philosophy of the speedy trial one to accommodate the subject, the defendant, and if this be an extension of the rights of the defendant, certainly I don't think that there is any question but what it should be extended. There is no reason for anything to be prolonged so long as both parties are ready to go to trial.

Insofar as the investigator is concerned, in most cases the arrest is made after lengthy and usually arduous investigation. They are ready at that point and from then on it becomes the province of the prosecutorial forces to prepare for the trial.

I don't think it's burdensome, in other words, on most of the law enforcement parts of the criminal justice system.

Mr. COHEN. Well, I am happy to hear you say that. The Speedy Trial Act, in part, was indeed to be consistent with every person's

right to a speedy trial under the Constitution, but it also was adopted to protect the rights of the people who are being victimized by people committing crime.

And what happens when you have long timelags between trial and arrest, you have witnesses who move away, witnesses who die, witnesses whose memories become somewhat deficient with the passage of time and become rather easy prey for any good defense counsel to cross-examine as far as identification and relation of facts.

I think that we really ought to seriously consider adopting this at a statewide level across the country because, as you have indicated, before you make your arrest, ordinarily most of the investigation work is completed, and then it is just a question of having enough prosecutors, enough courtrooms, enough judges to start lining up those individuals, and say, "You are going to be tried consistent with the Constitution, within that 100-day period."

I thank you for your comments.

Mr. BIAGGI. Mr. Kelley, you acknowledge that if we had a separate category for the statistics for crimes against the elderly, it would add to the knowledge obviously of the Department.

How much difficulty would we encounter in having this included in the uniform crime reports?

Mr. KELLEY. Well, in the first place, uniform crime reporting is governed by a board of people within the law enforcement field. It is not the FBI which says we are going to from this point on record the age of victims. It would have to be presented to them.

I would imagine that this would become a rather expensive thing to get information about the victim. Individually with each case, it might only take a couple of minutes, but when you multiply that by the many, many inquiries that are made, and the recording and the compilation of the figures, I would not want to myself here and now make any categorical statement that it could be done easily. It might be that it would be quite a problem for law enforcement to record that type of information.

I would be happy to indicate in the event this committee so recommends, that it could be presented to see what can be done. I don't know. But if it be the desire of this committee, I would be happy to do so, present it to the board and see what their reaction would be.

Mr. BIAGGI. All right. Thank you.

I have a number of recommendations; I would like your judgment on them. We witnessed a greater number of juveniles participating in crime, and the laws, as they are constituted, permit them to escape almost unpunished in most cases.

I recommend that in grievous crimes, juveniles should be treated, down as far as 14 years of age, should be treated in the same fashion as adults.

Would you care to comment on that?

Mr. KELLEY. Congressman, that depends on individual philosophy. Of course in some States when it is a capital crime, they are treated as adults, and I would not want to make a sweeping statement that all 14-year-olds and older be treated as adults in the commission of a crime.

Mr. BIAGGI. I agree with you. I was talking about some very specific grievous crimes, homicide. A homicide, right now a 14-year-old

is not subjected to the same, in New York State at least. I am sure that many other States have the same provisions for the same process as an adult.

Assaults, grievous assaults against the elderly, we have similar situations. They are out in the street in very short order and are not subjected to the same judicial process and exposed to the same punishment as adults are.

There is a great movement afoot to amend the law. It is my understanding the speaker of the house of the New York State Assembly has expressed a strong view in support of legislation that would expose those 14-year-olds who commit certainly very specific grievous crimes to the similar punishment as adults are exposed to.

I think there is a whole shift of attitude in relation to these young people. I would just like to get an expression from you in connection with it.

Mr. KELLEY. I have encountered in my work some 14-year-olds who have homicidal tendencies and they should be carefully handled in order that they not continue to prey on our citizenry.

In the event this exists, there is no question about it: if he continues to be a menace if let free, individual handling might well be something that we should consider, but I think it should be on an individual basis.

Mr. BIAGGI. Well, I understand your philosophy, but how do you distinguish between the individuals in the event of a grievous crime? I would rather think you would be talking in terms of categories of crimes, of those who have committed those crimes—they would be exposed to that type of punishment, possible punishment.

If you would start to be selective, then you are talking about a constitutional situation of equal protection of law in that category, but I get the sense of your thinking, anyway.

In connection with certain crimes, I have also recommended that juveniles be fingerprinted, again—certain crimes, capital, grievous crimes.

Would you care to comment on that?

Mr. KELLEY. Well, of course in many States you do not retain juvenile prints, but I don't know how many States do have them until they have reached the adult status. And insofar as helping police, yes, I think they do, but there should be a proper disposition provision made so that if, after passing through this adolescence, they become good citizens, this is not going to plague them for the rest of their lives.

Again, it's a matter of deep concern insofar as rehabilitation, and there is a great area of rehabilitation among juveniles. It has been shown many times that the first offender, when caught then, and proper care given to his rehabilitation, it can be done.

I think that our prime concern should be, of course, the protection of the country and the aiding of the victims, but we need also to try to rehabilitate when possible.

Now, it is something that cannot be answered very simply. It is a matter which causes us deep concern. As far as the retention of fingerprints, I personally feel that there should be a proper provision for that person who is rehabilitated when he reaches adulthood, that he

not be plagued by that record, that it be destroyed, or sealed, or in some way set aside.

Now, with that in mind, I don't know whether I have answered your question or not, but you can't answer it categorically.

Mr. BIAGGI. Well, you have answered it. You have answered it very fully. As a matter of fact, I agree with you, with both facets of the response. One, if I understood you correctly, you said yes, take the prints under certain crimes, and then after a period of time, if the young person has rehabilitated himself, he is not to be plagued by that.

I agree with you. I mean we are talking about a rehabilitative society, at least that is what we say. I don't think we really live it. And you can't be plagued forever for a crime committed after having paid your debt to society, whatever it was that the judicial system so decreed. I agree with you, Mr. Kelley.

One last recommendation, suggestion if you will, and for your view: A mandatory minimum sentence, prison sentence for those who commit crimes against the elderly.

Mr. KELLEY. Certainly, if they use a gun, I am in favor of a mandatory sentence in addition to the substantive offense. I strongly recommend that.

Insofar as a mandatory sentence for the elderly, I question—I have never even thought of it—I question the advisability of that. What would you do about women? What would you do about a cripple who is defenseless as is the elderly?

I think you have many ramifications that might make this a difficult assessment. What age would you make it, the elderly? You might have some very virile, strong people at 70. On the other hand, you might have some very weak and defenseless people at 50. I think you are going to have a problem, in other words, of setting up a particular age insofar as the elderly is concerned.

Mr. BIAGGI. Thank you.

In closing, I would make reference to the Crime Control Act of 1976 and which encourages grants to establish programs dealing with crimes against the elderly.

Are you aware of any such grants having been made and, if so, any progress on them, any report on them?

Mr. KELLEY. I have not any information.

Mr. COHEN. Just one other question. In terms of the difficulty in setting up guidelines for identifying the elderly, what is your position with respect to crimes committed against police officers? Would you recommend a different form of punishment or more severe punishment for crimes afflicted against law enforcement officials?

Mr. KELLEY. I do insofar as the murder of a law enforcement officer. That, to me, is not necessarily a victim who should be given particular prominence because of his death, but the fact that it is a horrible crime, a total disdain that is evidenced by virtue of the act that was committed, and obviously a very dangerous person who needs special treatment which can be as the result of the penalty.

Mr. COHEN. And that same rationale would apply to people who attack old people?

Mr. KELLEY. It could be for a defenseless older person.

Mr. COHEN. Thank you.

Mr. BIAGGI. Thank you, Mr. Kelley, Mr. Carpenter, Mr. Kirchenbauer.

[Whereupon, a short recess was taken.]

Mr. BIAGGI. The meeting is called to order.

I would like to welcome Police Commissioner Codd for being here with this committee in this hearing and a special thanks, because I recognize you are on vacation, Commissioner. And it is that kind of dedication and commitment that we are most grateful for, and it is characteristic for your whole career in law enforcement. And well, we are just delighted to see you, in any event.

Anytime you are ready.

STATEMENT OF HON. MICHAEL J. CODD, COMMISSIONER, NEW YORK CITY POLICE DEPARTMENT

Mr. CODD. Congressman Biaggi, Congressman Cohen, it is a pleasure for me to have the opportunity this morning to address this distinguished body and to share some of my views regarding the problem of crime against the elderly in New York City.

This crime has become a major concern in today's society—with the public, with the press, and the leaders of law enforcement and government across the Nation.

As crimes against our senior citizens are under constant scrutiny in the news media, it could be a natural reaction for a police commissioner to try to place the blame on other components of your criminal justice system. And I am sure you have heard over and over again such terms as "revolving door," "coddling criminals," "lenient sentencing," "recidivism," or "confidentiality of juvenile offender's records." But fingerpointing serves no useful purpose in our war on crime in general or on our war on crime against the elderly, in particular.

I would like to tell you this morning how we in the New York City Police Department have responded to the latter problem. Perhaps our approach to this very special type of crime will be beneficial to other agencies, or at least, act as a springboard to possible solutions.

In October 1974, we created our first senior citizens robbery unit in Bronx County, in response to the growing number of crimes being committed there against older persons. Its conception was the brainchild of a group of anti-crime officers who were struck by a similarity of "modus operandi" and patterns of crime against old persons. The unit was directed to concentrate on the apprehension of criminals who preyed on the elderly, as well as on the prevention of these crimes. It continues to function in these and other related areas.

Because elderly persons sometimes have special problems in cooperating with the police, such as lack of mobility, this unit's personnel give any kind of personalized service necessary to make the investigation and prosecution of a case less of an ordeal for the victim.

Some of these services include interviewing complainants at home and bringing along mug shots of suspects to them, as well as providing transportation to and from court if necessary. For court appearances, a telephone alert system has been worked out with the district attorney's office, which obviates the need for complainants to wait around in court for long periods of time. They merely stay at home near the telephone until notified to come in, shortly before their case is called.

The unit also has a strong crime prevention program. Officers deliver lectures and distribute brochures at senior citizen centers and other locations. They outline self-protection measures on how to avoid becoming a future victim, and they also furnish emergency telephone numbers.

The unit, from its inception, has recognized that many of the victims are poor and in need of essential services. Where indicated, the officers get in touch with other social agencies and cut through red tape to expedite the delivery of medical, financial, housing or any other assistance that may be required. Even after cases have been closed, members of this unit continue to keep in touch with some past victims who live alone and need occasional looking in on.

Since October of 1974, this Bronx Senior Citizens Robbery Unit has investigated some 1,092 robbery cases, resulting in 145 arrests. So far this year, they have investigated 450 robbery cases, resulting in 71 arrests.

In many instances, the perpetrators were multiple offenders. After arrests are made, close cooperation is maintained between the unit and the district attorney's office in order to assure that the offenders are dealt with appropriately and that the interests of justice are served.

We now have senior citizen robbery units in all five boroughs. We also have members of our anti-crime unit assigned to high-crime areas, where they act as decoys for muggers who prey on the elderly. Perhaps some of you saw the TV special report on "Decoy Cops" last Saturday evening, in which the viewer was able to witness two muggings of a female decoy police officer, pretending to be a helpless old lady. Had this not been a decoy cop two more victims would have been added to the statistics.

There are some civil libertarians who voice opposition to this type of crime fighting and argue that it entraps the poor and the disadvantaged. But what about the victims? Do they not deserve some consideration?

In July 1974, the Bureau of the Census estimated that in the five boroughs of New York City, there were 1,334,000 citizens aged 60 or over. This represents 17.6 percent of the city's total population and their proportion of the city's population is growing. Unfortunately, the number of elderly citizens who have been victims of a serious crime is also growing at a disproportionate figure.

The elderly are especially vulnerable to such crimes as burglary, robbery, larceny, purse snatching, assault, fraud, rape, and homicide. For the first 6 months of 1976, elderly victims accounted for 27 percent of all victims of dwelling robberies, 24 percent of all victims of robberies occurring in halls, lobbies, or elevators, and 22 percent of all victims of robbery and larceny purse snatch occurrences. So far this year, 91 persons 60-years or older were murdered, and 61 females 60-years or older were victims of rape.

Even if statistics do not reveal that the elderly are victimized more than other people, we must realize that their whole lifestyle is determined by fear of crime. Surviving becomes a daily challenge. They are restricted in their movements. A trip to the grocery store may expose them to robbery and assault, and they are forced to barricade themselves behind locked doors. They cower and live in fear of having their homes invaded and their persons violated. Defenseless and unable to run, they have become prey for the criminal.

But what about the criminal? How do we cope with this criminal who terrorizes and lives off the aged? In the Bronx, the average age of those arrested for crimes against the elderly is 16 to 19. However, 40 percent of the cases handled by the senior citizens robbery unit were processed in family court, because the perpetrator was under 16-years of age.

This age group is usually recycled back onto the streets, their juvenile records are sealed, and there is a legal prohibition on taking their photos and fingerprints. What this means is that judges setting bail for those 16 and over have no idea of their previous criminal records, while at the same time, it hinders the police in identifying suspects through photos or fingerprints.

I believe that these records should be made available to the courts. At least, law enforcement agencies should be allowed to photograph and fingerprint youth criminals, so that when evidence is gathered, they have something to check it against. For example, the robbing of old people is often accompanied by senseless violence. Victims have been beaten, raped, set on fire, locked in closets, and tortured to death. Prints lifted at the scene of such crimes may be our only link to the criminal.

What I am saying here is that the juvenile justice system must be revamped. Youthful criminals should not be coddled when they commit serious crimes. They must be treated as the criminals they are, and when arrested, they should be made to answer for their crimes. If convicted, they must be sure of punishment. Immunity from prosecution must be denied them. Revamping this system will provide law enforcement with the necessary tools, not only to fight youthful crime against the elderly, but also, youth crime against all members of society.

Changes like this will not be popular with those who persist in the view that youthful offenders are victims of society and that we must find and alleviate the causes of crime first. In answer to this, I want to say that the police cannot be expected to cure social ills. Our immediate goal is to minimize crime hazards and maximize citizen security, while other institutions of government pursue the long-range goal of reducing the social causes of crime.

By trying to perfect our performance in fighting crime, preserving order and rendering aid—especially to the elderly—we will be making our best contribution toward improving the quality of life in this city.

That concludes my prepared comments, Mr. Chairman.

Mr. BIAGGI. Thank you very much, Commissioner. I am delighted to see your comments include recommendations that I am suggesting to the full committee; that juveniles who commit certain very specific grievous crimes should be treated as adults; fingerprints should be permitted. The previous witness, Mr. Kelley, testified that in certain crimes, fingerprints of juveniles should be taken, and after a period of time, they should not be plagued for the rest of their lives with the existence of those records—which I concur.

As far as the arguments concerned by those who might oppose these recommendations, I would suggest that they are not living in a world of reality. I suggest they leave the ivory tower and deal with the realisms of today, because we are not talking in terms of juveniles as we knew them 30 and 40 years ago.

I am a product of the ghetto, and when I was young my contemporaries did a lot of things. But one thing they did not do is assault the elderly. They had respect for the elderly. Many of the juveniles today—not all of them, thank God—do not have this same respect. I always contend that most of the young people of America today are law abiding and productive, and will go on to be excellent and even better citizens, perhaps, than their predecessors.

But for those who turn to crime and commit these grievous offenses, they are nothing else but brutal criminals and should be treated in that fashion. What I would like to see also is that these juveniles that commit these crimes be taken out of the family court and put into the criminal court, but that is a question of the local legislature or the State legislature.

If we attempt to deal with the social ills before we address ourselves to the safety of our people, we will never get to the second stage, because the social ills have been with our society since the formation of this Nation. And we have improved them and continue to improve them, but I am afraid they will, in some form or other, always continue to exist. And we should, as you have suggested, address ourselves to the immediate problem which cries for response.

Mr. Kelley, in his statement, recommended a closer relationship with the citizens working closely with law enforcement. As a matter of fact, he testified that it has developed very significantly. I know that you have made a marked effort in this area. I would like your evaluation of the new civilian patrols that have developed in various parts of the city, especially the Bronx.

Mr. Codd. There are many forms of citizen cooperation, citizen efforts, citizen endeavor that we, in the New York City Police Department, have encouraged; that we have solicited public participation in. The auxiliary police program is one such program. The block watcher program is another such, and the civilian radio patrol is the most recent program which is growing at this time.

All of these programs have tremendous value. They serve as additional eyes and ears, which is basically the thing that we need, so that the persons cannot commit crime in a safe environment because of the absence, at the moment, of a police officer. The more we can encourage and generate citizen participation, the more we will make it impossible for a person, desirous of committing a crime, to be able to do so undetected.

Certainly, we in the department will continue to do everything that we can to enlarge the citizen cooperation, the citizen assistance, the participation in the citizen volunteer programs that we do have going now.

Mr. Biaggi. I am not sure and perhaps you can enlighten me. Are the civilian patrols funded by any level of city or State government?

Mr. Codd. There is one circumstance under which there can be funding, and that is for equipment only. But it is a voluntary effort, otherwise. In other words, the citizen funding that is possible, is possible in a limited fashion. It is a matching fund fashion, as part of a block security program that commenced some several years ago, and which is still ongoing. But essentially, or for the most part, that is used for the purchase of radio equipment, which makes it possible

for the volunteer, upon seeing something, to immediately bring it to the attention of the police.

Mr. BIAGGI. Now, in connection with some personnel, in addition to the special units that you have created and assigned, has there been any deployment of personnel to areas of high elderly crime?

Mr. CODD. The personnel composition of the senior citizen robbery units in the various boroughs has been structured in proportion to the elderly citizen slice of the population in the borough, and also, in proportion to the size of the problem that exists, so that we have staffed it in relation to both the number of potential victims, as well as the actual problem.

Mr. BIAGGI. The question was raised earlier about crimes against the elderly being unreported. Can you give us an estimate as to the extent of this?

Mr. CODD. I think, for the most part, that crimes against the elderly do, in fact, get reported. For sure, there is some percentage—and the amount of it is unknown—of all crime that does not get reported, but I have the feeling that the great majority of crimes against the elderly get reported.

Mr. BIAGGI. Are most of the criminals involved in these crimes against the elderly—are they juveniles—or do we have a breakdown?

Mr. CODD. Well, the average age, just in the Bronx—which is the only one that we have done a recent study on—was between 16 and 19, but 40 percent of them were below 16; a rather significant slice.

Mr. BIAGGI. Do you have any rate of convictions?

Mr. CODD. No; I have not, at this time.

Mr. BIAGGI. Would you tell the committee what happens to those under 16?

Mr. CODD. The case is disposed of in family court, and for the most part, it results in a period of probation or a period of supervision.

Mr. BIAGGI. Now, if they were adults, they would be exposed to severe prison terms.

Mr. CODD. They would be exposed to the possibility——

Mr. BIAGGI. Possibility.

Mr. CODD. But the reality, at the moment, I do not think that they would, in fact, get severe prison terms.

Mr. BIAGGI. Mr. Kelley suggested monitoring every level of the criminal justice system. We have some citizens groups that come to monitor the various courts, to witness the method in which judges function and the sentences which they give out. What is your reaction to that course of conduct?

Mr. CODD. The functioning of the courts is the business of the public. I see no reason why the public should not be interested to a greater extent in the way in which the courts, or any other component of the criminal justice system, is, in fact, operating.

Mr. COHEN. Would the chairman yield for a moment? That would not attain to the juvenile or the family court system.

Mr. CODD. That is correct. At the moment, the public is not allowed access to that.

Mr. BIAGGI. Among the juveniles are those defined as recidivists?

Mr. CODD. Most certainly.

Mr. BIAGGI. Same crimes?

Mr. CODD. Yes. That was one of the points that I made in my comments; that we do find multiple offenders.

Mr. BIAGGI. You would recommend then—if I understand you correctly—that juveniles in connection with certain crimes should be subjected to the same judicial process, exposed to the same potential punishment as adults?

Mr. CODD. Absolutely. Particularly where it is a crime where it involves a crime against the person with injury or the use of a weapon.

Mr. BIAGGI. Do you concur with Mr. Kelley in connection with the taking of fingerprints?

Mr. CODD. Yes.

Mr. BIAGGI. Do you have any other specific crime prevention suggestions for the elderly to follow?

Mr. CODD. In connection with the last point that I made, there should be mandated sentences, where a crime against the person involved the use of a weapon, because there are too many people today—and this applies to both the adult criminal, as well as the youthful criminal—who use weapons with the feeling that there will be no additional hazard involved. There should be a minimum sentence where there is a crime against the person, involving the use of a weapon.

There should also be a more expeditious handling of charges against a person who has been arrested, so that we do get back and reinstate—or restore—the feeling of swiftness and surety of punishment, if a person has been convicted of a crime with which he has been charged. That, I think, in large measure, has been lost because of the way the system today operates.

I think if there was a feeling of the hazard of swift and sure punishment, that it would serve as a very significant deterrent to crime.

Mr. BIAGGI. I think Mr. Kelley suggested that there be an additional mandatory crime if a firearm was used, over and above the substance of the crime.

Mr. CODD. I would go further than the firearm. I would say a weapon.

Mr. BIAGGI. I was going to make the distinction. I noticed the distinction.

Mr. CODD. Whether it is a baseball bat or a gun, a person can be just as grievously injured.

Mr. BIAGGI. I was about to note the distinction, because I was aware of it. I have introduced legislation that would make it mandatory, as a surcharge, as Mr. Kelley has suggested, where a firearm is used in connection with this particular area of activity. Your statement is that if a weapon is used, there should be a mandatory minimum sentence.

Mr. CODD. Absolutely. The only difference, really, between the firearm and some other weapon is that if a firearm is used, injury can be inflicted at a greater distance. With other weapons, it requires that the person committing the crime get closer to the victim. But they can both inflict—or any weapon can be used to inflict very grievous injuries.

Mr. BIAGGI. Thank you. Congressman Cohen?

Mr. COHEN. I just have a couple of questions Mr. Chairman. I was interested to hear you recommend that we should perhaps follow at the State level what the Federal Government has adopted in the way of a speedy trial act, which I talked about a little bit before.

I was wondering, in terms of your recommendations in dealing with juveniles, have you made those, or submitted those recommendations to the State legislature?

Mr. CODD. We have submitted comments with respect to similar legislation, previously.

Mr. COHEN. And what has been the response, to date?

Mr. CODD. Frequently die in committee. There have been some changes, but there are many sides to the question that you are appreciative of.

Mr. COHEN. Of course, we can make all these recommendations to the Committee on Aging or to the Committee on the Judiciary at the Federal level, but we really have no jurisdiction over the method by which the State deals with its criminal process. And I would just certainly urge you and other members of the legislature who will be here to give serious consideration to your recommendatons, because we cannot adopt those for you at the Federal level.

Director Kelley indicated earlier that there might be some difficulty, or burden, placed upon the Uniform Crime Reporting system by cataloging the ages of the individuals who were assaulted or victimized by those committing crimes. I notice in your testimony you were quite specific in noting that 27 percent occur in dwellings—robberies in dwellings—24 percent, hallways and lobbies; and another 22 percent are purse snatches.

I assume that that is a fairly simply procedure whereby if a person reports a crime, that you also take their name and their address and their occupation and their age.

Mr. CODD. It is relatively simple, at the first point of questioning. But then, the processing of it does involve additional costs.

Mr. COHEN. But as far as indicating the age of the person who has been assaulted, that imposes no great burden.

Mr. CODD. Not in the first instance, but in the handling and the processing of the additional information, it is an additional factor. And every factor, every item that you process represents cost.

Mr. COHEN. Every time you put two additional numerals in the computer——

Mr. CODD. If we tie into the keypunch an additional item—if you are going to make any use of it, you have then got to write a program that makes it possible to pull that information out.

Mr. COHEN. Do you not think that we should try to identify those people in our society who have the greatest percentage of being victimized by assaults and burglaries?

Mr. CODD. I think it is a valuable statistic, but, again, we have selected an arbitrary measure. We have done it with people 60 years and older. It could be asked, then, why are we not equally concerned with 50 to 60, or 30 to 50.

Mr. COHEN. I think, according to your testimony, that the greatest percentage, that you are aware of, are those over 60.

Mr. CODD. There are two large age groups in our population. The age group over 60 is at the highest it ever has been, both as a percentile and as an absolute number. And the same is true of the population under 25 years of age; it is at its greatest number and its greatest percentile.

Mr. COHEN. Just one final point. You indicated on page 3 of your testimony that since 1974, the senior citizens robbery unit works in close cooperation with the prosecutor's office to assure that offenders are dealt with appropriately. And you indicate that at least 40 percent are not dealt with appropriately since they are dealt with at the family court.

What about the 60 percent—what sort of punishment is dealt to those that you followed since 1974? I guess what I am getting at—what do you consider to be appropriate punishment in terms of the monitoring by this robbery unit?

Mr. CODD. That says appropriately. It does not say appropriate punishment. It is the entire picture; in other words, trying to make certain that the victim is brought in, that there is no repeated adjournments because of the inability of the victim to get in. There are many facets in the handling of the case. And really, in our working with the prosecutor, we are working with making certain that the victim is available, or if there is any additional information that is with the victim. We cannot work with the person charged.

Mr. COHEN. I see. The statement reads that the offenders are dealt with appropriately.

Mr. CODD. That means that there is no lack of the ability on the part of the prosecutor to go forward with the case because of an absence of the complainant or witnesses.

Mr. COHEN. Have you tried to undertake to monitor exactly what does take place, in terms of the punishment that is meted out by the court?

Mr. CODD. We have records as to what the punishment was, with respect to those cases. I do not have it with me.

Mr. COHEN. Let me ask you——

Mr. CODD. But, of course, we do not make judgments as to whether it was appropriate or inappropriate to the case.

Mr. COHEN. Well, you made the statement that you think 40 percent of the cases have been dealt with inappropriately in the sense that they have been dealt with at the family court. I would assume that that——

Mr. CODD. No, 40 percent of them were dealt with in the family court. I did not characterize.

Mr. COHEN. Well, I think it is implicit in your statement that they are simply put on probation and sent back out.

Mr. CODD. Well, that is what the system provides at the moment.

Mr. COHEN. Do you consider that to be appropriate?

Mr. CODD. In a very rare percentage of cases, they do go to a correctional institution school.

Mr. COHEN. But do you consider the great percentage of those 40 percent to be dealt with appropriately?

Mr. CODD. I would not try to deal on a percentage basis. I would say, certainly, any time you are dealing with 40 percent of anything, some portion of it, obviously, might have been treated better. And I am not going to try and put a percentile figure on it.

Mr. COHEN. Forget about the percentages for a moment. What you are really recommending to this committee—what you will be recommending and you have been to the State legislature—is that you think that people under the age of 16 who commit crimes against the elderly

of a violent nature, or a physical assault, ought to be treated differently.

Mr. CODD. They ought to be treated the same as adults are treated. And that means take them out of the jurisdiction of the family court and put them into the jurisdiction of the general criminal process.

Mr. COHEN. How long, if you know, does it take to dispose of a case? Since you have started this monitoring with the senior citizens robbery unit, have you made any attempt to find out exactly how much of a time lag there is between the date of arrest and the consummation of that case?

Mr. CODD. Some of our people from some of the borough units, undoubtedly, could. I am not prepared at this moment to give the time.

Mr. COHEN. If you could get that information, I think it would be helpful, because I think it would buttress the point that you made before that when you have long periods of delay that works to the advantage of those accused of crimes——

Mr. CODD. Absolutely.

Mr. COHEN [continuing]. And to the detriment of society.

Mr. CODD. It does work to the advantage of those who are charged with the crime, because memories tend to become more dim and identification, perhaps, less positive. I believe that the committee is going to have some members from the Bronx unit as possible witnesses, and they might, from their own experience, be able to give the committee a better appraisal of the time limit, or the time that it takes to move a case from arrest to a final disposition.

Mr. COHEN. Thank you.

Mr. BIAGGI. First, I want to congratulate you, Commissioner, not simply on your statement, but on its substance; especially in one area where the delay and the needless appearances of the victim and the just disheartening effect that it has had on complainants in the past. I am aware of what is transpiring there, and it is one of the more salutary developments of this whole process.

I have tried, in the last several years, along with some other colleagues of mine, to try to get some additional moneys into the city for the restoration of those who are dismissed in the law enforcement area; corrections and fire and police, and we are still attempting to get some grant money that might work its way into your department to deal with this problem.

I would like to ask you if we were able to get sufficient moneys to enable you to restore those police officers that were dismissed, would that put you in—I am doing this just for the record; I think the answer is rather obvious—but would that put you in a better position to cope with the problem of crimes against the elderly?

Mr. CODD. Congressman, any increase in the numbers of people that I have available for use would certainly help us against crimes against the elderly, as well as any of the other problems that we have.

Mr. BIAGGI. Now, let me pursue it just a little further. In the light of the critical nature of this very precise issue, would it be fair to assume that you would assign a greater number of personnel to deal with the problem?

Mr. CODD. Oh, surely.

Mr. COHEN. I just wanted to make one other point, Mr. Chairman. I talked with the two young gentlemen who testified earlier, Mr. Car-

penter and Kirchenbauer, I believe. When it comes to the Federal Government dispensing money, I was rather surprised to learn of the private program that they had in operation in Delaware. The total money they had at their disposal was $400; $380 of which was spent on telephones. The rest of it had to be raised by private donations, going to the Singer Corp. to have them sew the linings into the coats, and so forth.

So, we have a great deal more to do at the Federal level in the way of funding.

Mr. BIAGGI. Talking about funding, I understand your decoy people do a great job of improvisation. The department provides not a solitary suit.

Mr. CODD. We do at times, though, Congressman, from the resources of the property clerk, provide some of the stage props; in the form of property that comes into our possession, for which there is no claimant, and at no cost to the taxpayer, it serves a very useful role.

Mr. BIAGGI. Thank you very much, Commissioner.

Mr. CODD. Thank you, sir. Thank you.

Mr. BIAGGI. State Senator Ralph J. Marino, chairman of the State senate committee on crime and corrections.

Senator, I have been following your activities, your proposals and your statements and your hearings, and I want to congratulate you on your leadership role in this area on a State basis.

I know you represent one of the two bodies, and hopefully you can persuade the other body to act in a constructive fashion. I think the comments made by speaker Steinger give some heart, and, hopefully, we will get that legislation out.

Senator?

STATEMENT OF HON. RALPH J. MARINO, NEW YORK STATE SENATOR AND CHAIRMAN OF THE STATE SENATE COMMITTEE ON CRIME AND CORRECTIONS

Mr. MARINO. I share your hope, Congressman Biaggi. Thank you, Congressman Biaggi and members of the panel, Congressman Cohen, for the privilege extended to me by your invitation to share with you my thoughts and experiences on the acute problems of crime against the elderly.

We are quite well aware that this committee, like ours, had focused on this problem long before the explosion which has occurred in the last few months. The flashpoint in this volatile situation for New York appears to have been the Timmons' case in the Bronx in October of this year. But you know, and we know, the problem has been building for several years now.

While society was willing to tolerate the fantastic rate of crime against the population at large, in the last few weeks it has indicated it will not tolerate the victimization of our senior citizens. I have handed to you, separately, a written statement on the problems—it contains the results of research performed by the New York State Senate Committee on Crime, of which I am chairman.

The statement contains statistics and numbers on the dimensions of the problem, which I shall attempt to summarize, rather than to repeat verbatim.

I believe the dramatic raise in crimes against the elderly is the result of a collision between two accelerating trends in America: a rise in the number of our citizens over 60 and a rise in the number of serious juvenile offenders. Furthermore, both groups tend to be concentrated in our cities, so that the problem becomes intensified, or to use an expression of the computer age, there is a synergistic effect.

According to the most figures reported by the Census Bureau in May 1976, the numbers of elderly persons 65 and over rose from 12.4 million in 1950 to 22.4 million in 1975. In the last decade, the U.S. population, as a whole, increased 13 percent, while the senior citizens group jumped 20 percent. In the last 20 years, the over-64 population in New York State increased by 64 percent.

The 1970 census found that the elderly constituted 15.5 percent of the State's population and 17.4 percent of New York City's population. New York City's problem has been compounded by an enormous migration of troubled families to this city in the latter half of the sixties. In 1965, New York City listed 87,000 families and 370,000 persons in the age of dependent children category on its welfare rolls. This is our primary indicator of single parent, disorganized families.

Five years later, by 1970, the number had almost tripled; 216,000 families and 813,000 persons. When HEW surveyed this group in 1973, it found 72 percent of the mothers were born outside the State, and where the year of migration was known, almost half had moved here during the sixties.

In 1960, total juvenile felony arrests in New York State came to 9,713. By the end of the decade, the numbers moved to 15,348. In 1975, the eight index crimes of the FBI's uniform crime report, which do not cover all felonies, showed better than 35,000 arrested juveniles. Would you believe that there were more than 2,200 felony arrests in 1975 of juveniles under 10 years of age for 8 index crimes. There were 10—actually 10—arrested for rape, and almost 200 for robbery.

Three years ago, while our committee was looking into a problem of robbery in New York and the sentences imposed on a convicted robber, we were struck by the number of juveniles under 16 being arrested for the serious crime. From 1971 to the present, juveniles constituted 25 percent of all robbery arrests. There was nowhere reported the disposition of juveniles arrested for robbery or any other serious crime. These arrests disappeared behind the barrier of confidentiality.

We then looked at the arrests of robbers made by the decoy teams of the police, which we felt would be solid cases without the usual problems of identification. In 1973, police decoy teams and the special plainclothes patrols of the anticrime squad arrested 98 juveniles. It took a lot of effort to track these cases through the juvenile system, but we did and found a total of two who were adjudicated and placed in a State training school. That's 2 out of the 98.

The decoys, remember, dressed and acted like elderly citizens. We decided to look further and made two more studies of serious juvenile offenders. We examined on a scientific, random basis the sample of juveniles arrested for robbery that would give us an accuracy factor of 97 percent. Now, that was the first shot. The average number of felony

arrests in the group we studied was 10, and the average of court appearances was 51. The high was 26 felony arrests and the low was 5. Then, we took a look at 73 juveniles arrested for homicide for the 12 months between October 1, 1972 and September 30, 1973. For 50 of them, it was not their first felony arrest. At least 15 had 1 prior felony arrest; 12 had 2 priors; 7 had 3 prior felony arrests, and so on down the line, to the juvenile arrested 17 times for felonies before his homicide arrest.

Two of the juveniles had previous arrests for homicide. But that wasn't the worst thing we found. After their arrest for homicide—and I emphasize that this is after having been arrested for homicide—10 of these juveniles were arrested for a subsequent felony. Four were arrested twice more for felonies; three for three more felonies, and one for five subsequent felonies. And I am only referring to felonies committed under the age of 16.

In too many cases, the homicides and the felonies were committed against the elderly. Those are the results that caused my committee to begin digging into the juvenile crime control system. In New York State, we rarely detain children, even after they are charged with murder, and even more rarely do we protect the public for any period of time by sending adjudicated juvenile criminals to a State facility for rehabilitation. The latest year for which we have complete figures is 1974. For the most serious crimes of homicide, arson, rape, robbery, assault, and two others, the police arrested better than 11,000 juveniles. Less than half were actually brought before a judge, due to a curious procedure called adjustment, whereby a probation officer can send you home if you admit the crime and promise to be good.

Out of this 5,374 serious juvenile felony offenders brought before a judge, a total of 272 in the entire State were sent to a State-run facility. That is 272 out of 5,374. I would say that that is a disgraceful percentage.

And when this handful of dangerous offenders got there, they could be released and were released whenever the State facility thought it best. In 1974, the average stay at a State facility was no more than 10 months. And I assure you we did not neglect the juveniles, because it cost the State $29,000 per year for every juvenile in a State facility or nearly three times the cost of maintaining an adult offender. While they were at these facilities, they also received home leave, weekend passes, and an open door whenever they wanted to abscond.

In 1974, the secure facility at Gosha, where 100 of the most dangerous offenders were housed, had 50 runaways out of 100 in the first 6 months, and they were taking them to see R-rated movies.

I have dwelt on a juvenile justice system because that is probably the major weakness in the crime control system affecting the elderly. The juvenile offender is particularly attracted to the elderly victim for obvious reasons. They are frail, unable to resist, usually terrorized into silence, and unlikely to later testify against them. We have taken testimony from juvenile muggers who said it was standard procedure to threaten the elderly with reprisal if they dared to complain to the police. And the police had told us horror stories about juveniles who returned and attempted to kill the elderly victim who identified him as the robber.

And why? They knew full well the juvenile courts could not do anything more to them for the homicide than they could for the robbery, and the eyewitness was removed.

The question now remains, what must be done to protect the elderly against the depredations of juvenile criminals and to restore to them tranquility in their remaining years; an assurance carved in granite—the very first sentence of our Federal Constitution. And if we are to believe what the victimization surveys are telling us, 20 rapes of elderly women per month, New York City; 1,500 robberies per month; 400 serious assaults, and an incredible 3,500 larcenies—any action we take now should be on an emergency basis.

Our primary recommendation on the State level calls for a radically different treatment of both the serious juvenile offender as well as the adult offender against the elder. There will be introduced in the 1977 session of the State legislature, a bill mandating prison sentences upon conviction for a crime against a person over 60 years of age. Plea bargaining and charge reductions are restricted, so that the offender cannot plead out of the ambit of the mandatory sentence.

The serious juvenile offender against the elderly who is over 13 and less than 16 will be processed through the adult system, which in the last few years has received substantial State funding for new courts and judges. Upon conviction, the juvenile will not be mixed with the adults, but will be sent to a juvenile facility for a term of up to 4 years.

We also propose the strengthening of our investigatory agencies, by requiring the fingerprinting and photographing of all serious juvenile offenders. The police inform us that they are completely hamstrung in their investigation of crimes against the elderly by the laws prohibiting the fingerprinting and photographing of juvenile offenders at the time of arrest.

We will also propose the mandatory opening of juvenile offender records by law enforcement agencies, and the denial of the privilege of youthful offender treatment to youth with a record of a serious crime committed as a juvenile.

We also believe our crime victim compensation laws must be amended to take into consideration the fact that for most of the elderly, robbery or theft means an absolute loss which can never be restored by going back to work. The Senate will also give serious consideration to the establishment of special advocates for elderly crime victims. When an elderly person living alone is robbed and injured, we should give them more, not less, attention than we give to the criminal who did it.

The arrested predator of the elderly has publicly funded agencies lined up to console him, represent him, contact his family on his behalf, get him a job, counsel him, and exploit the criminal justice system on his behalf. His elderly victim is lucky if a nurse stops by occasionally.

Our system is seriously askew in the way it lavishes attention on the criminal and neglects the victim.

These proposals are just first steps of restoring the balance. Yet, I predict there will be a great deal of resistance, because they challenge the comfortable ruts of thinking about crime into which we have fallen. Yet, emergencies give rise to new ways of thinking. There is a

crime emergency in this State, particularly with regard to the elderly, and it is my hope that it will force us to abandon the sterile programs that have lost all justification in favor of a return to the fundamentals—the protection of the weak and the insurance of domestic tranquility.

That is the end of my statement.

Mr. BIAGGI. Senator, I want to commend you. This is obviously the result of a lot of work and a lot of attention. It is one of the most comprehensive statements, and most forthright and direct approaches to the issue that I have been exposed to. And I am heartened at your recommendations, because they fall—they are on all fours with some that I will recommend, and hopefully, the full committee will recommend to the Congress.

Mr. MARINO. I just hope you were in the assembly, Congressman, as chairman of the Codes Committee.

Mr. BIAGGI. I understand. And I understand exactly where the resistance is, and that is where the challenge is to the people. I have addressed a senior citizens group—we had a crime session—against the elderly session—up in the Bronx at St. Philip Neri Church, and all of the local legislators were strong advocates of our mutual positions.

And the question was, then, then why is it not enacted into law. Because frankly, some legislators are deceptive and mislead.

Mr. MARINO. I understand that. And I would hope that we could join forces in the coming session, Congressman Biaggi, and get the senior citizens mobilized, send them up to Albany and insure the passage of this legislation.

Mr. BIAGGI. Well, you have just made a good suggestion, and I will take you up on it. We will join forces. There is a philosophy that has been in existence that has permitted this situation to develop. One statistic that sticks out in my mind right here is 50 people might be alive, if there were a more stringent attitude taken by society, if you will.

And obviously, the juvenile system is not working as effectively as we would like, and it needs revision; laws should be enacted.

And I do not have any questions to you, except what do you think is the possibility of the assembly working favorably in these directions?

Mr. MARINO. Well, I hope now that public attention has been brought to bear on this problem—and I congratulate you on what you are doing to keep the spotlight on the emergency we have right now—that the assemblymen will take note of the public outcry for remedial legislation in the area which affects the elderly.

I think that is coming about. I hope and trust that we pass, if not all, the majority of the bill that I referred to in the coming session. And I think that if we keep the spotlight on the problem, you and I and others who are interested, that by February, hopefully—and I intend to take up these bills as fast as I can—by February, we will have some legislation in the hands of the Governor.

Mr. BIAGGI. What I am fearful of is that some of those legislators who are hostile and very vocally opposed to these situations in the past will adjust—adjust a trifle, and will only agree to a fragment of the total picture; just to say they voted for a strengthening of the laws, and that would cover their position politically but not philosophically—

and not offend them philosophically. And that is where the real danger is. I do not think it will not be as easy, perhaps, to get the assembly to move, although I am heartened by Speaker Steingut's statements. I hope that he concurs with you in the recommendations that you have made.

Mr. MARINO. Well, I am willing to work with him very closely. And I think the biggest obstacle we are going to have is trying to sell the proposal that these youngsters under 16 should be tried in the adult system. I think, Congressman, that the family court system is completely disintegrated, to the point where it is ineffective.

And I think the time has come where when youngsters are committing adult crimes, that they be treated, at least, for purposes of trial, in the adult system where we have criminal court judges who know what they are doing, where we have district attorneys who know what they are doing, and where we can really get justice, because we are not getting it today in the family court. That is unfortunate, but it is the truth.

Too many cases are being adjusted: not enough are being tried, and—I'm not trying to assess blame. What I am saying is that has happened because society has let it happen.

But I think these youngsters who are committing these heinous crimes should be brought before an adult system, so that they could be imbued with the seriousness of the crime. If they walk in and out of family court, making 20, 30, 40 appearances and having their cases constantly adjourned, they do not understand the seriousness of what they have done.

Mr. BIAGGI. Well, they know exactly what is going to happen in the family court—nothing.

Mr. MARINO. Right, exactly.

Mr. BIAGGI. Because they have been there before, and they educate one another, insofar as that is concerned. And they really perform with immunity.

Mr. MARINO. Right. As one of the muggers told me last week, in front of our hearings, "We know that we are under 16; nothing is going to happen to us." And that is a sad commentary.

Mr. BIAGGI. I think it is time that the adult population responded, in responsible fashion.

Mr. MARINO. I agree.

Mr. BIAGGI. I would like to congratulate you again, and we will submit this statement of your select committee for the record. The statistics you have involved, I am sure, will be valuable to us.

Mr. MARINO. Well, we spent several years in compiling these statistics; they are not easy to come by. We had to, in some cases, use subterfuge almost to secure the information we were looking for, because, as you know, the family court files are secret and confidential.

So, I think that they merit retention and investigation and scrutiny.

Mr. BIAGGI. We will do exactly that.

[The prepared statement by Mr. Marino follows:]

PREPARED STATEMENT SUBMITTED BY RALPH J. MARINO, STATE SENATOR OF NEW YORK

1

First let me thank the panel for inviting me to appear and testify here today and present my views on how state and federal governments can work together toward a solution of the problem of crimes against the elderly.

For the past 25 years, two trends have been on a collision course in New York State, a surge in the number of senior citizens and an explosion of violent juvenile crime. According to the most recent figures reported by the Census Bureau in May 1976, the numbers of elderly persons 65 and over rose from 12.4 million in 1950 to 22.4 million in 1975. In the last decade, the U.S. population as a whole increased 13% while the senior citizen group jumped 20%. In the last 20 years, the over 64 population in New York State increased by 64%. The 1970 census found that the elderly constituted 15.5% of the state's total population and 17.4% of New York City's population.

Senior citizens tend to be concentrated in the large cities which also happen to have the highest crime rates and a concentration of juvenile criminals. The various National Crime Panel surveys have confirmed the common impression, that city dwellers are far more likely to be the victim of a violent crime. The rate for robbery in the cities is four times higher than rural areas.

Table 1

OLDER POPULATION OF NEW YORK STATE, SELECTED COUNTIES*

	Persons Aged 60 and Over			Population Aged 65 and Over			Total Population Projected	Population Aged 65*** and Over, Projected
	1970 Number	%	1974**	1950	1970	1974**	2000	2000
New York State	2,822,914	15.5	2,866,800	1,298,457	1,960,752	1,997,900	22,655,000	2,998,153
New York City	1,374,405	17.4	1,334,000	605,235	947,878	922,700	7,795,000	1,175,359
Bronx	245,077	16.7	227,900	105,862	170,920	159,500	1,401,000	210,121
Kings	421,123	16.2	401,[illegible]	202,838	389,077	276,700	2,400,000	291,794
New York	304,394	19.8	288,400	171,323	224,873	204,400	1,408,000	231,368
Queens	366,139	18.5	375,100	109,731	247,286	253,900	2,079,000	336,982
Richmond	37,365	12.6	41,000	15,481	23,622	28,200	507,000	99,091
Selected Counties:	1970		1974**	1930	1970	1974**	2000	2000
Albany	48,049	16.8	50,500	22,980	33,505	35,300	326,000	47,407
Broome	33,341	15.1	35,100	16,293	23,518	24,700	252,000	35,134
Dutchess	31,678	14.3	34,200	15,073	22,434	24,100	516,000	42,413
Erie	181,312	14.5	163,100	71,021	112,656	115,700	1,283,000	160,486
Monroe	96,773	13.6	98,500	48,580	68,887	70,300	1,070,000	110,864
Nassau	168,076	11.8	153,800	40,304	112,182	123,100	1,691,000	223,823
Onondaga	61,003	13.3	65,600	30,986	44,176	46,200	639,000	73,767
Suffolk	121,333	10.8	139,900	27,680	85,726	99,100	2,379,000	331,074
Westchester	141,326	15.8	140,500	51,719	94,931	100,800	1,193,000	190,728

* Source: New York State Statistical Yearbook, 1974, p. 55

** Source: Estimated, New York State Office for the Aging

*** Source: Demographic Projections for New York State Counties to 2020 A.D., June 1968; N.Y.S. Office of Planning Coordination

A 1973 victimization survey conducted in New York City for the National Crime Panel estimated the number of robberies of citizens age 65 and over. The survey revealed that 9,522 men and 6,967 women had been robbed that year, bringing the total estimated number of robberies of victims age 65 and over to 15,489. Moreover, 2,700 senior citizens 65 and over had been assaulted. Updated information suggests that the rate of crime against New York's elderly has increased significantly since 1973, e.g. robberies of senior citizens are now estimated at more than 18,000 per year.

The number of robberies actually reported is much lower. During 1975, the New York City Police Department received 4,046 robbery complaints of victims age 60 and over. Of 83,190 robbery complaints city-wide, about 20 percent were committed indoors--in hallways, elevators, basements, hotel rooms, apartments, and private homes. More than one in every four of these indoor robbery victims was age 60 or over. In Bronx County, the Police Department set up a Senior Citizen Robbery Unit specifically to cope with indoor crime against the elderly.

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Table 2

Reported Indoor Robberies of Older Victims in New York City, 1975

Area Command	Residential-Dwelling Robberies in Which Age of Victim is Known	Number of Victims Age 60 and Over	Percent of Victims Age 60 and Over
Manhattan South	2,247	454	20.2
Manhattan North	4,568	1,122	24.6
Bronx	3,496	990	28.3
Brooklyn South	1,961	794	40.5
Brooklyn North	1,763	352	20.0
Queens	979	311	31.8
Staten Island	103	25	24.3
Total	15,117	4,048	26.8

Source: New York City Police Department.

If pocketbook snatches and open-area robberies are added to the indoor incidents, the New York City 1975 total of reported robberies of the elderly comes to a shameful 8,656.

In Buffalo, New York, a 1974 National Crime Panel victimization report on approximately 51,690 persons age 65 and over uncovered 398 robberies, 278 assaults, and 347 larceny/thefts--a total of 1,023 violent crimes against senior citizens in a single year.

NEW YORK STATE SENIOR CITIZEN HOMICIDES, 1975

During 1975, the number of senior citizens murdered in New York State totaled 201. New York alone accounted for 11 percent of all elderly homicide victims in the United States. The proportion of older women killed was 7 percent higher than the national average. More than half (116) of New York State's victims were killed in the course of robberies, sex crime, arson and other felonies (Cf. Table 3).

Table 3

SENIOR CITIZEN HOMICIDES, 1975

	1974		1975		1975	
	Uniform Crime Reports[1]		Uniform Crime Reports[2]		New York State[3]	
Age	Male	Female	Male	Female	Male	Female
60-64	492	132	493	138	44	17
65-69	279	114	339	120	34	20
70-74	176	94	223	91	20	12
75 +	225	163	221	193	29	25
Subtotal	1,172	503	1,276	542	127	74
Total	1,675		1,818		201	

1 Represents 94 percent of total U.S. population.

2 Represents 95 percent of total U.S. population.

3 Annual Report '75 - Crime and Justice, N.Y.S. Division of Criminal Justice Services (Albany, N.Y., 1976).

VIOLENT JUVENILES

Trends

In the State of New York, a "juvenile delinquent" is a person over seven and less than sixteen years of age who does any act which, if done by an adult, would constitute a crime. In this definition, the whole spectrum of crime from murder to petty larceny are merged under the rubric of "delinquency" thereby diluting the gravamen of the criminality.

According to the records of the Office of Court Administration, 5,374 youths age fifteen and under were ordered to respond to a juvenile delinquency petition for serious crimes committed in New York State during 1974. Table 4 is a breakdown of those petitions by category of crime. It should be noted that better than double that number were arrested but the juvenile justice system employs a device called "adjustment" to divert juvenile felony arrests from the petition process. Indeed, an arrest cannot be adjusted unless the juvenile admits to committing a crime.

Table 4

New York State Juveniles in Family Court, 1974

Homicide	121
Arson	245
Rape	196
Other Sex Crimes	240
Robbery	2,273
Assault	1,876
Dangerous Weapons	423
Total	5,374

Source: New York State Office of Court Administration

Although the number of court cases for the entire state is shockingly high, Table 5 shows the number of juveniles arrested for the same crimes in New York City alone has been considerably higher since 1972.

Table 5

New York City Police Department Arrests of Juveniles, 1966-1975

	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975
Homicide	26	20	27	31	19	42	73	94	77	54
Arson	175	241	162	262	193	159	188	166	181	235
Rape	119	125	77	94	99	117	152	181	261	232
Other Sex Crimes	113	125	154	227	216	181	225	243	273	228
Robbery	1,427	2,072	2,487	2,826	3,013	3,421	4,386	4,459	4,765	5,276
Assault	1,193	1,147	719	756	789	692	957	1,154	1,312	1,230
Dangerous Weapons	58	69	67	83	116	132	284	286	242	183
Total	3,111	3,799	3,693	4,279	4,451	4,744	6,265	6,583	7,111	7,438

Source: New York City Police Department

The juvenile arrest statistics for the whole of New York State for 1975 complete the picture (Table 6).

Table 6

New York State Arrests of Juveniles During 1975*

Homicide	71
Arson	540
Rape	274
Other Sex Crimes..	650
Robbery	5,999
Assault 2,563	
Dangerous Weapons	1,055
Total.....	11,152

Viewed over a longer time span and from a national perspective, the eruption of juvenile violence takes on shattering proportions. Crime in the United States, Uniform Crime Reports, published annually by the Federal Bureau of Investigation, displays the larger dimensions of the problem (Table 7).

* Statistics for 1974 are not yet available.

Source: New York State Division of Criminal Justice Services.

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Table 7

Uniform Crime Reports, 1957-1975

Arrests of Juveniles Age 15 and Under

	1957[1]	1960[2]	1970[3]	1974[4]	1975[5]
Homicide	57	127	525	530	589
Arson	---	---	4,427	5,006	6,061
Rape	331	446	1,294	1,395	1,635
Other Sex Crimes	2,025	5,171	6,097	5,415	6,133
Robbery	1,541	4,468	15,310	16,983	21,481
Aggravated Assault	1,005	2,983	10,648	12,739	17,354
Dangerous Weapons	1,374	3,139	7,698	8,271	9,174
Total	6,333	16,334	45,999	50,339	62,427

Sources: Crime in the United States, Uniform Crime Reports (Washington, D.C.: Government Printing Office, annual reports)

1 p. 114; 1,473 cities over 2,500 in population; total population based on 1950 census: 40,176,369.

2 p. 92; 2,460 cities over 2,500; population, 81,660,735.

3 pp.126-27; 5,270 agencies; 1970 population, 151,604,000.

4 pp.186-87; 5,298 agencies; estimated population, 134,082,000.

5 pp.188-89; 8,051 agencies; estimated population, 179,191,000.

Table 8

New York State Proportion of United States Violent Juvenile Crime, 1973

	FBI Uniform Crime Report[1]	New York State[2]	Percentage
Homicide	630	115	18.2%
Arson	5,316	375	7.0
Rape	1,500	215	14.3
Other Sex Crimes	5,598	324	5.8
Robbery	17,815	4,878	27.4
Aggravated Assault	12,924	1,503	11.6
Dangerous Weapons	8,174	367	4.5
TOTAL:	51,957	7,777	15.0

New York State's share of violent juvenile crime is disproportionately higher than the national average. In 1973, New York State -- with approximately 8.2 percent of the nation's age ten to fourteen cohort[3]-- was responsible for 14.3 percent of the rapes committed by juveniles, 18.2 percent of the homicides, and 27.4 percent of the robberies (Cf. Table 8).

1 Crime in the United States, Uniform Crime Reports, 1973, pp. 128-29: 6,004 agencies; estimated population, 154,995,000.

2 N.Y.S. Division of Criminal Justice Services, unpublished statistics.

3 United States Census, 1970

Comparing the 1973 statistics with those for 1975, the Uniform Crime Reports' table "Total Arrests by Age" was based on 2,047 more local agencies reporting and an estimated increase of 24,196,000 in the population base. Nevertheless, the percentage of New York State arrests of violent juveniles remained inordinately high. New York juveniles accounted for 16.8 percent of all the Uniform Crime Reports' juvenile arrests for rape; 12.0 percent, for homicide; and 27.9 percent for robbery. In the categories of Other Sex Crimes, Aggravated Assault, and Dangerous Weapons, New York's share of arrests was higher in 1975 than it was in 1973 (Tables 6 and 7).

The numbers of arrests of juveniles and the numbers of court cases is, as noted before, quite high. But the most incredible statistic of all is the number of juveniles adjudicated as delinquent and sent to a state youth facility for custody and treatment. In 1974, from the better than 10,000 arrests for the index crimes and 5,374 cases initiated in the Family Court, only 272 juveniles were placed in or committed to a state run institution. This works out to approximately 2% of felony arrests and 4% of the Family Court petitions. These numbers confirm what the juveniles have been telling us both by testimony at our hearings and by their crimes against the elderly, they have little to fear, even when they are caught. Placing this in a larger context, the police in this state are arresting less than one perpetrator for every three robberies reported and our victimization surveys are showing particularly with regard to the elderly victim, we are not even getting one report for every three crimes committed.

Our primary system for control of crimes against the elderly has collapsed in New York. Just when this collapse occurred is difficult to say because we are only now developing the data that permits us to assess the system. And it must be frankly said that the data had to be pried out of the system. Studies of the national juvenile justice system indicate New York is not unique in the condition of its juvenile justice system.(1)

The question remains what must be done to protect the elderly against the depradations of juvenile criminals and to restore to them tranquility in their remaining years, an assurance carved in granite in the very first sentence of our federal constitution. And, if we are to believe what the victimization surveys are telling us, 20 rapes of elderly women per month in New York City, 1500 robberies per month, 400 serious assaults and an incredible 3500 larcenies, any action we take should be on an emergency basis.

Our primary recommendation on the state level calls for radically different treatment of both the serious juvenile offender as well as the adult offender against the elderly. There will be introduced at the 1977 session of the state legislature a Bill mandating prison sentences upon conviction for a crime against a person over sixty years of age. Plea bargaining and charge reductions are restricted so that the offender can't plead out of the ambit of the mandatory sentence. The serious juvenile offender against the elderly who is over thirteen and less than sixteen will be processed through the adult system which in the last few years has received substantial state funding for new courts and judges. Upon conviction, the juvenile will not be mixed with adults but will be sent to a juvenile facility for a term of up to four years.

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(1) Sarri, R., and Hasenfeld, Y. (ed.) Brought to Justice Juveniles, The Courts And the Law, University of Michigan, 1976.

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We also propose the strengthening of our investigatory agencies by requiring the fingerprinting and photographing of all serious juvenile offenders. The police inform us they are completely hamstrung in their investigation of crimes against the elderly by the laws prohibiting the fingerprinting and photographing of juvenile offenders at the time of arrest.

We will also propose the mandatory opening of juvenile offender records to law enforcement agencies and the denial of the privilege of youthful offender treatment to youths with a record of a serious crime committed as a juvenile.

We also believe our crime victim compensation laws must be amended to take into consideration the fact that for most of the elderly, robbery or theft means an absolute loss which can never be restored by going back to work. The Senate will also give serious consideration to the establishment of special advocates for elderly crime victims. When an elderly person living alone is robbed and injured, we should give them more not less attention than we give to the criminal who did it. The arrested predator of the elderly has publicly funded agencies lined up to console him, represent him, contact his family on his behalf, get him a job, counsel him and exploit the criminal justice system on his behalf. His elderly victim is lucky if a nurse drops by occasionally. Our system is seriously askew in the way it lavishes attention on the criminal and neglects the victim.

These proposals are just first steps in restoring the balance. Yet, I predict there will be a great deal of resistance because they challenge the comfortable ruts of thinking about crime into which we have fallen. Yet, emergencies give rise to new ways of thinking. There is a crime emergency in this state, particularly with regard to the elderly. And it is my hope it will force us to abandon the sterile programs that have lost all justification in favor of a return to the fundamentals, the protection of the weak and insurance of domestic tranquility.

Mr. COHEN. I have just a couple of questions, Mr. Chairman.

Senator, you were rather critical, I think, of the caliber of the judges who are handling these cases. It is a general statement, I think. Would you agree with that?

Could you just advise me as to whether or not you have an appointed system or an elective system here in New York?

Mr. MARINO. It is appointed in New York City; elected outside of New York City.

I am not critical of the judges, but I want to give you an example of what happens in the family court in my county, for example, in Nassau. Nassau County has seven family court judges. So, each judge maybe gets to hear criminal court cases once in a course of a year; perhaps twice. So, they are only sitting as criminal court judges for a very short time. And as a result, their knowledge and expertise in the area of criminal law is not as great as the area of criminal court judges where they handle this sort of case each and every day.

So, I am not trying to put them down. I am sure they can be just as expert if they had the experience and handled these cases every day, but they do not. They are more involved with matrimonial matters; of support cases, and that sort of thing. And it is an occasional criminal case that they have.

Mr. COHEN. Congressman Biaggi used the word "adjust"; that he hopes that the New York legislators adjust their way of thinking. You used the same word when you said that they have an adjustment system in New York City, and I would like to know how in the world this so-called adjustment system crept into your law, whereby a juvenile who is arrested—he tells the officer that he is going to go home and be a good boy, and that takes care of the matter.

I have never heard of that before.

Mr. MARINO. Well, this system goes back 30 or 40 years when juveniles were committing just minor crimes; no more than, perhaps, breaking windows in schoolhouses, and that sort of thing.

As somebody testified to earlier, this type of heinous crime against the elderly was not experienced until recently, so that the system has not adjusted to the type of vicious crime we are facing now. And it is always difficult to get change, once a system has been imbued in our laws.

And now, because of this emergency, we are now trying to treat it.

Mr. COHEN. You indicated that in the bill that you are going to submit in 1977 that you would recommend a mandatory sentence, or treatment, I think, as an adult, if there is a crime against a person over 60 years of age.

Now, do you distinguish between crimes to the person rather than the property? In other words, I think what Mr. Kelley was getting at before, in trying to draw such distinctions in the law, you might run into challenges, for example, if someone were to break into a home and steal money and burglarize the apartment and it turns out that the person who owns the home is 60 or more, suddenly, he is treated as an adult as opposed to a juvenile—whether that would be enforceable.

So, I was just curious in terms of whether you are trying to deal with the most severe problem—that is, crimes against the person; the

assaults, the robberies, rape—anything against the person himself. Is that a distinction, or is it one that you do not care to make?

Mr. MARINO. Well, I am not sure I understand what you are getting at.

Mr. COHEN. What I am getting at is that Mr. Kelley indicated that he had some difficulty with Congressman Biaggi's recommendation in terms of those under the age of 16—between, let's say, 13 and 16—who commit crimes against the elderly. He raised some questions about whether or not you can draw such guidelines, such distinctions, without running afoul of the law itself, constitutional law.

I simply raised the question as to whether or not you, in submitting legislation, would try and draw a distinction between crimes against the person—that I, as a reasonably prudent juvenile, would see someone who appeared to be 60—kind of put on notice, that if I assault that individual, steal his purse while he is carrying it or she is carrying it, if I commit any kind of physical violence against that individual, that I am, indeed, going to be dealt with rather severely as an adult.

Compare that case with a young person who sneaks into an apartment and steals something, and it turns out that owner is elderly. Can he be treated as an adult or as a juvenile, in that case?

So, I just raise it for something for you to think about in submitting the legislation.

And finally, one other point, the two gentlemen who testified about the Delaware program raised an interesting question in my mind. They pointed out that the crimes that were being committed against elderly women were committed during the daytime. I would have assumed that most crimes were committed at night. And I was just wondering—it raised a question in my mind—if that is the case in New York as well, or other areas, where a good majority of them are during the day, what is the role of the schools in reporting juveniles as far as their delinquency at school?

Is there any kind of coordination between schools and police officials in terms—"He's not here in school today"?

Mr. MARINO. There seems to be none. And in testimony last week, one of the muggers said that what they do is that they get up in the morning and they get together—usually about three of them—and decide who they are going to mug that day. And they pick a victim and proceed to follow—let's say it is an elderly woman from a bank into their apartment; push her into the apartment, and commit the crime.

So, a lot of this is done during the day. But as far as I know there is no coordination between the school authorities and the police. When somebody is truant, nobody is aware of it.

Mr. BIAGGI. In connection with that, would you make a relationship between truancy and the rate of crime? Well, let me put it another way. If we had an absence of truancy, could you foresee a diminution in crime?

Mr. MARINO. Oh, yes. I think if more kids were kept in school, they would not be out on the street creating havoc. Now, a lot of these kids have admitted that they do not need the money. It is money that they enjoy getting because it gives them the thrills that they like to have. So, many of them come from decent homes—good parents—who are out there for God knows what reasons, committing these terrible crimes.

I think if they can be directed toward continuing their education and staying in school, it would go a long way to help this problem.

Mr. BIAGGI. That kind of undermines the contention that these juveniles perform these crimes because they are from poor neighborhoods.

Mr. MARINO. Well, some of them are.

Mr. BIAGGI. Oh, of course. But not exclusively, that is the point I am making. I have seen some of the most grievous crimes committed by young people of very well-to-do means.

Mr. MARINO. Right. It seems to be a matter of kicks and the thrill of it, the adventure; any number of reasons.

Mr. BIAGGI. You make reference to the Timmons' case, and I understand why you see a good deal of attention in the media. But as an addenda, I would like to point out he is not unusual as a bail jumper. We must have thousands upon thousands of bail jumpers, with no one in pursuit. It has become an exercise in futility.

Mr. MARINO. It is a joke.

Mr. BIAGGI. It is a joke; that is right.

Thank you, Senator. I cannot commend you sufficiently for the depth, the comprehension, and the succinctness of your statement, and I know that it will be of extreme value to the Members of Congress.

Mr. MARINO. Thank you very much for your kind words, and I look forward to working with you in the coming months.

Mr. BIAGGI. Thank you very much sir.

Mr. Dominick Di Maio, chief medical examiner of New York City.

Doctor, I have a submission here of yours, which would confound an engineer, no less a lawyer or a Member of Congress.

I am going to have to rely upon you to make reference, and I am sure you can give us the highlights——

Dr. DI MAIO. I will.

Mr. BIAGGI [continuing]. And the graphics.

Dr. DI MAIO. Fine.

Mr. BIAGGI. I want to welcome you.

This is the first time I think I have seen you since you have been sworn in, and we wish you well.

It is a well-deserved appointment.

STATEMENT OF DR. DOMINICK J. DI MAIO, CHIEF MEDICAL EXAMINER, CITY OF NEW YORK

Dr. DI MAIO. Thank you.

I also wish to thank you for the opportunity of being here.

Of course, my primary purpose is to mention the number of homicides we have had in the city of New York, of persons older than 65 years of age, and this covers a span of 5 years, from 1971 to 1975.

In 1971, we had 1,622 deaths attributed to homicides, and the total number for 5 years is 8,498—the number, I think, is significant. Of that, in 1971, we had 74 elderly people killed. In 1972, we had 72; in 1973, 88; 1974, 88; and 1975, we had 108—which makes a total of 430 deaths by homicide in 5 years.

Also, I should note that there was a 40 percent—46 percent increase in homicides during that period of time. If one tries to separate the number of homicides per month, one notices that during the period of July, August, and September, we have the largest number; also, during the period of December and January.

In addition to it, we find that if we take the number of deaths for the year and place it over the total number of deaths attributed to homicides, the percentage, over a 5-year span, is 5.1 percent; and again, we notice that in 1975, our total percentage is 6.5; again, an increase. And this increase will be described later on.

If one takes the various counties, starting with Manhattan, 181, in a total of 5 years, which is 42 percent; Kings County, 24 percent; Bronx, 18 percent; Queens, 14 percent; and Richmond, less than 1 percent.

If we try to consider the race, 71 percent were white, 20 percent were black, 6.7 were Hispanic, and Oriental, 1.2.

If we stop to consider the age, we accepted 65 or over: 65 to 69, 36 percent; 70 to 74, 26 percent; 75 to 79, 21 percent; 80 to 84, almost 11 percent; 85 to 90, 5 percent; and 1 percent for people over the age of 90.

If we consider the sex: males, 67.9 percent; females, 32.1.

The type of crime and its method: Assault, which means with a deadly weapon, with fist, with feet, and any other means available to the people—assault was 35 percent; stabbing, 28.8; shooting, 20 percent; strangulation—and this we will speak of again later on—17 percent; miscellaneous, 2 percent.

The locations where the homicides occur: In residence, 51.7 percent—that is of grave interest; most of the homicides are committed within the residence—that is, his own apartment or his own home; 16½ percent occurred in front of the residence—this may be a hallway, a lobby, an elevator, a stairway, or a street immediately adjacent to the residence. In the street, we had 20.7 percent; in place of business, 11 percent.

Homicides in residence in New York County, 41.4; in Kings County, 27½; in the Bronx, 18; in Queens, 12; and in Richmond, 2 percent.

Again, the race does not change as far as the residence is concerned: The white with 71.5 percent; the black, 19.5; the Hispanic, 7.7; and the Oriental, 1.3 percent.

The age—the importance here is that in the age group of 80 to 84, we started with a 3 percent in 1971 and in 1975 we are up to 20 percent. In the 85 to 89 group, we went from 3 to 8 percent, and this increase remains constant, and I am sure that 1976 will note the same.

When we take the number of deaths in the various age groups over the total deaths, we find that from the age of 65 to 69 we have 41.9 percent; 70 to 74, 51 percent; 75 to 79, 46.7; and in 80 to 84, we have 74 percent—which is a very high figure—and in 85 to 89, 82 percent; with 100 percent in the 90 age group.

Again, sex—we find there is an inversion: the females are almost equivalent—equal in number to the males. The males are 54 and the females are 46 percent, implying that more elderly females are killed in their own residence.

The assault is 32 percent; shooting, 7 percent; stabbing, 28. Strangulation shows a large increase. In 1971, it was 18.8 percent; in 1975, it is 38.9 percent. All in all, we notice that there is a steady increase; no decline, whatsoever.

Mr. BIAGGI. In connection with the homicides of the elderly women in their residences, do you have a figure there that would reveal how many of them were sexually assaulted?

Dr. DI MAIO. We have not calculated that, as yet, but we do know that a certain number have been raped. In some cases, it is difficult to prove, for the simple reason the test is not positive, only partially positive. But we can conclude that she has been raped.

Mr. BIAGGI. Your figures seem to indicate that the older the victims are, the greater percentage of homicides among them.

Dr. DI MAIO. That is correct. The homicide rate is going up.

Mr. BIAGGI. I know you are a doctor and you have been, in the broadest sense, involved with every level of the criminal justice system over a lifetime, and I know you do not deal exclusively with the medical aspect, or the pathological aspect, of these problems. I noticed that you were present here during most of the testimony. What is your view of some of the recommendations made—well, one specifically—treating juveniles as adults in grievous crimes against the elderly.

Dr. DI MAIO. If I were to consider the assault cases, I would like to see the age lowered to 14; for the simple reason, the assault cases—once you do them in the autopsy room, you will realize the amount of force exerted and the type of force exerted. They are really brutal types of murder.

Mr. BIAGGI. You are not talking about young, undernourished and feeble, frail young people.

Dr. DI MAIO. I do not believe they are frail at all.

Mr. BIAGGI. Would you say that they have used enough strength that would make them comparable to that of an adult?

Dr. DI MAIO. In some cases, more so.

Mr. BIAGGI. Do you have any other recommendations to make, Doctor?

Dr. DI MAIO. No; except that I would like to see a law passed to help prevent such crime.

Mr. BIAGGI. In the light of the testimony that we have received so far, especially in connection with Senator Marino's testimony, if juvenile criminals were taken out of the family court system and put into the criminal court process at the age of 14, many of these people with previous records would not be out and hence, would have not been in the position to have taken lives—50 of them, apparently, in 1 year.

Dr. DI MAIO. That is correct, for the simple reason we would know more about their background, which has not been available in family court, as you know.

Mr. BIAGGI. That is true. As a matter of fact, some of the recommendations are that they be fingerprinted and that their records be made available for the judges who are, unfortunately, under the present restraints, operating at a vacuum, and it is not the proper way to do it.

I want to thank you for your contribution, and I want you to know that these records will be made a part of the permanent record for the congressional staff to review.

[The material submitted by Dr. Di Maio follows:]

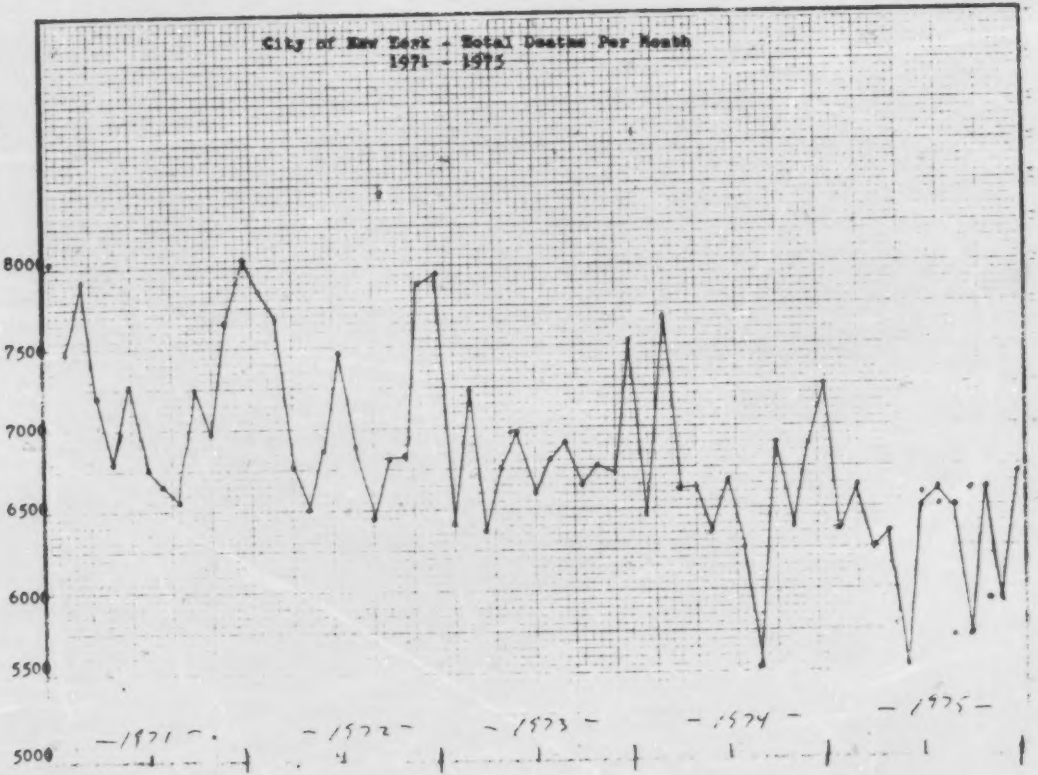
Homicides in the City Of New York

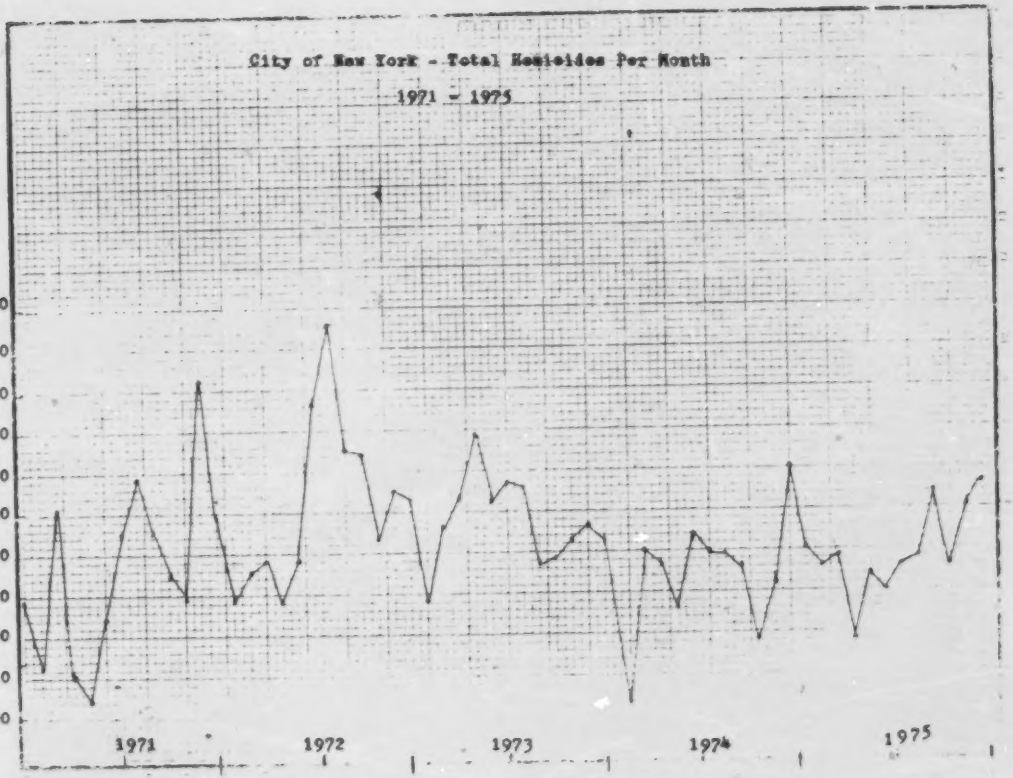
of Persons Older Than 65 Years

1971 - 1975

Office of Chief Medical Examiner

13 December 1976


City of New York - Total Deaths Per Month
1971 - 1975
8000
7500
7000
6500
6000
5500
5000
1971
1972
1973
1974
1975


City of New York - Total Homicides Per Month
1971 - 1975
200
190
180
170
160
150
140
130
120
110
100
1971
1972
1973
1974
1975

57

52

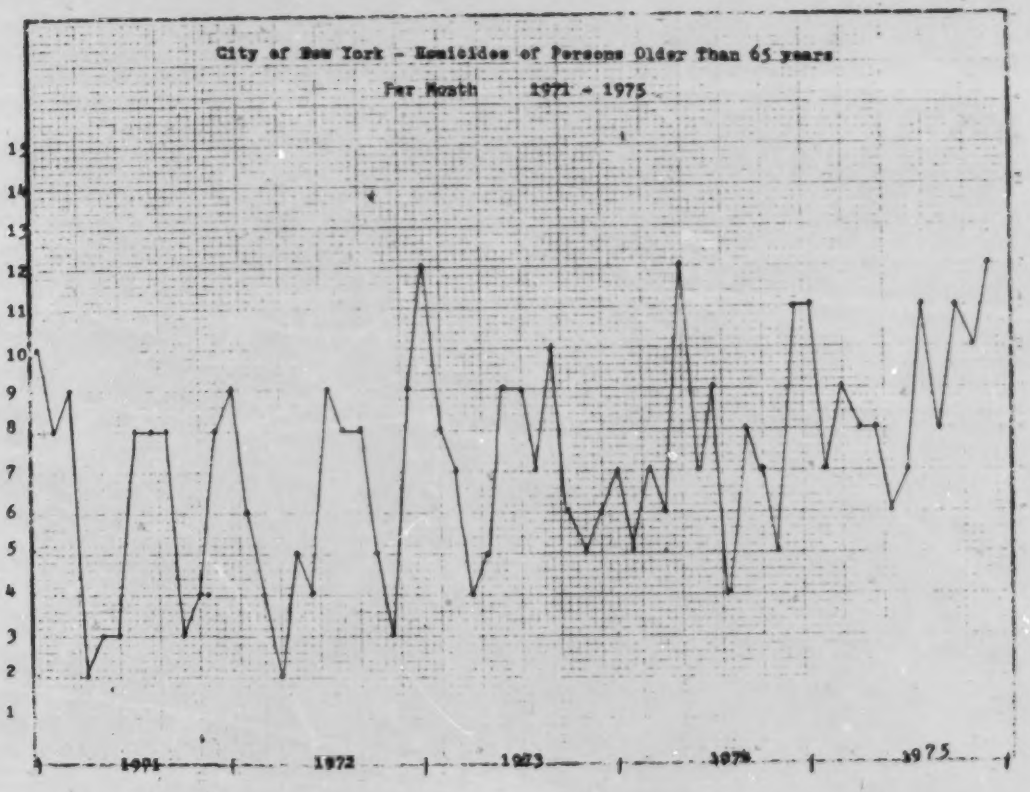

City of New York - Homicides of Persons Older Than 65 years
Per Month 1971 - 1975
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1
1971
1972
1973
1974
1975

Table # 1 City of New York- Total Homicides Per Month

1971 - 1975

	1971	1972	1973	1974	1975	Total	
January	128	149	153	143	140	713	-8.4%
February	112	128	128	103	136	607	-7.1%
March	151	135	146	140	138	710	-8.4%
April	110	138	153	137	118	656	-7.7%
May	104	128	169	126	134	661	-7.8%
June	124	138	152	143	130	687	-8.1%
July	145	176	157	140	136	754	-8.9%
August	158	196	156	139	138	787	-9.3%
September	145	165	137	136	154	737	-8.7%
October	134	164	138	118	136	690	-8.1%
November	129	143	143	132	150	697	-8.2%
December	182	155	146	160	156	799	-9.4%
Total	1622	1815	1778	1617	1666	8498	

Table # 2 City of New York-Homicides of Persons Older than 65 Years 1971 - 1975

1971	1972	1973	1974	1975	Total
74	72	88	88	108	430

There has been a 46% increase in Homicides of persons older than 65 years between 1971 and 1975

Table # 3 City of New York- Homicide of Persons Older than 65 Years

Per Month 1971 - 1975

	1971	1972	1973	1974	1975	Total
January	10	9	12	7	11	49 -11.3%
February	8	6	8	5	7	34 -7.9%
march	9	4	7	7	9	36 -8.4%
april	2	2	4	6	8	22 -5.1%
May	3	5	5	12	8	33 -7.7%
June	3	4	9	7	6	29 -6.7%
July	8	9	9	9	7	42 -9.8%
August	8	8	7	4	11	38 -8.8%
September	8	8	10	8	8	42 -9.8%
October	3	5	6	7	11	32 -7.4%
November	4	3	5	5	10	27 -6.3%
December	8	9	6	11	12	46 -10.7%
Total	74	72	88	88	108	430

Table # 4 City of New York- Homicides over 65 years/ total Homicides

1971: 74/1622 = 4.6%

1972: 72/1815 = 4.0%

1973: 88/1778 = 5.0%

1974: 88/1617 = 5.4%

1975: 108/1666 = 6.5%

January: 49/713 = 6.9%

February: 34/607 = 5.6%

March: 36/710 = 5.1%

April: 22/656 = 3.4%

May: 33/661 = 5.0%

June: 29/687 = 4.2%

July: 42/754 = 5.6%

August: 38/787 = 4.8%

September: 42/737 = 5.7%

October: 32/690 = 4.6%

November: 27/697 = 3.9%

December: 46/799 = 5.8%

Five Year Total: 430/8498 = 5.1%

Table # 5 Borough of Occurence:Homicides of Persons older than 65 Years

	1971	1972	1973	1974	1975	Total
Manhattan	33 44.6%	36 50%	38 43.2%	31 35.2%	43 39.8%	181 42.1%
Kings	14 18.9%	18 25%	25 28.4%	25 28.4%	22 20.4%	104 24.2%
Bronx	14 18.9%	11 15.4%	13 14.8%	18 20.5%	24 22.2%	80 18.6%
Queens	13 17.6%	7 9.6%	11 12.5%	12 13.6%	19 17.6%	62 14.4%
Richmond	0 0%	0 0%	1 1.1%	2 2.3%	0 0%	3 .7%

Table # 6 Race: Homicides of Persons Older than 65 Years

	1971	1972	1973	1974	1975	Total
White	57 77%	45 62.5%	67 76.1%	69 78.4%	70 64.8%	308 71.6%
Black	13 17.6%	19 26.4%	18 20.5%	11 12.5%	27 25%	88 20.5%
Hispanic	4 5.7%	7 9.7%	2 2.3%	6 6.8%	10 9.2%	29 6.7%
Oriental	0 0%	1 1.4%	1 1.1%	2 2.3%	1 1.1%	5 1.2%

Table # 7 Age: Homicides of Persons Older than 65 Years

	1971	1972	1973	1974	1975	Total
65 - 69	24 32.4%	29 40.3%	30 34.1%	31 35.2%	41 38%	155 36.0%
70 - 74	21 28.3%	18 25.0%	22 25.0%	23 26.1%	29 26.9%	113 26.3%
75 - 79	22 29.7%	12 16.7%	24 27.3%	18 20.5%	14 13%	90 20.9%
80 - 84	4 5.4%	6 8.3%	7 8.0%	10 11.4%	19 17.6%	46 10.7%
85 - 89	2 2.7%	7 9.7%	4 4.5%	4 4.5%	5 4.6%	22 5.1%
90+	1 1.4%	0 0%	1 1.1%	2 2.2%	0 0%	4 .9%

Table # 8 Sex: Homicides of Persons Older than 65 Years

	1971	1972	1973	1974	1975	Total
Male	55 74.3%	55 76.4%	61 69.3%	51 58%	70 64.8%	292 67.9%
Female	19 25.7%	17 23.6%	27 30.7%	37 42%	38 35.2%	138 32.1%

Table # 9 Modality: Homicides of Persons Older than 65 Years

	1971	1972	1973	1974	1975	Total
Assault	23 31.1%	24 33.3%	37 42.0%	31 35.2%	35 32.4%	150 34.9%
Stabbing	27 36.5%	17 23.6%	26 29.5%	22 25.0%	19 17.6%	111 25.8%
Shooting	16 21.6%	15 20.8%	14 14.8%	17 19.3%	25 23.2%	86 20.0%
Strangulation	8 10.8%	15 20.8%	11 12.5%	17 19.3%	23 21.3%	74 17.2%
Misc.	0 0%	1 1.4%	1 1.1%	1 1.1%	6 5.6%	9 2.1%

Table # 10 Location: Homicides of Persons Older than 65 Years

	1971	1972	1973	1974	1975	Total
Residence	32 43.2%	35 48.6%	44 50.0%	52 60.2%	59 54.6%	222 51.7%
P/O Residence	15 20.3%	11 15.3%	13 14.8%	15 17.0%	17 15.7%	71 16.5%
Street	16 21.6%	19 26.4%	21 23.9%	13 14.8%	20 18.5%	89 20.7%
Place of Business	11 14.9%	6 8.3%	10 11.3%	8 9.0%	12 11.1%	47 10.9%

Residence: Own home or apartment

P/O Residence: Hallway, lobby, elevator, stairway of residence or on street in immediate proximity of residence

Street: On street, in public place, on public transportation.

Place of Business: While working as employee, or in own place of work.

Table # 11 Borough: Homicide in Residence of Persons Older Than 65 Years

	1971	1972	1973	1974	1975	Total
Manhattan	15 46.9%	16 45.7%	16 37.2%	20 38.5%	24 40.8%	92 41.4%
Kings	9 28.1%	10 28.6%	16 37.2%	13 25.0%	13 22.0%	61 27.5%
Bronx	4 12.5%	6 17.1%	7 16.3%	10 19.2%	13 22.0%	40 18.0%
Queens	4 12.5%	3 8.6%	4 9.3%	7 13.5%	9 15.3%	27 12.2%
Richmond	0 0%	0 0%	0 0%	2 3.9%	0 0%	2 1.9%
Total	32	35	43	52	59	221

Table # 12 Race: Homicide in Residence of Persons Older Than 65 Years

	1971	1972	1973	1974	1975	Total
White	23 71.9%	22 62.9%	33 76.7%	42 80.8%	38 64.4%	158 71.5%
Black	8 25.0%	7 20.0%	9 20.9%	5 9.6%	14 23.7%	43 19.5%
Hispanic	1 3.1%	5 14.3%	1 2.3%	4 7.8%	6 10.2%	17 7.7%
Oriental	0 0%	1 2.9%	0 0%	1 1.9%	1 1.7%	3 1.3%

Table # 13 Age Homicide in Residence of Persons Older Than 65 Years

	1971	1972	1973	1974	1975	Total
65 - 69	7 21.4%	11 31.4%	14 32.6%	14 26.9%	19 32.2%	65 29.4%
70 - 74	12 37.5%	10 28.6%	8 18.6%	13 25.0%	15 25.4%	58 26.2%
75 - 79	9 28.2%	2 6.3%	11 25.6%	11 21.2%	9 15.3%	42 19.0%
80 - 84	1 3.1%	6 17.1%	6 14.6%	9 17.3%	12 20.3%	34 15.4%
85 - 89	1 3.1%	6 17.1%	4 9.3%	3 5.8%	4 7.9%	18 8.1%
90+	2 6.3%	0 0%	0 0%	2 3.8%	0 0%	4 1.8%

Table # 14 Comparative Ages of Total Homicides Over 65 Years and Homicides in Residence Over 65 Years

	Total	In Residence	In Residence / Total
65 - 69	135	65	65/135 = 41.9%
70 - 74	113	58	58/113 = 51.3%
75 - 79	90	42	42/90 = 46.7%
80 - 84	46	34	34/46 = 73.9%
85 - 89	22	18	18/22 = 81.8%
90+	4	4	4/4 = 100%

Table # 15 Sex: Homicides in Residence of Persons Older Than 65 Years.

	1971	1972	1973	1974	1975	Total
Male	23 71.9%	21 60.0%	21 48.8%	20 38.5%	32 54.2%	117 54.0%
Female	9 28.1%	14 40.0%	22 51.2%	32 61.5%	27 45.8%	104 46%

Table # 16 Modality: Homicide s in Residence of Persons Older Than 65 yrs.

	1971	1972	1973	1974	1975	Total
Assault	10 31.3%	11 31.4%	17 39.5%	20 38.5%	13 22.0%	71 32.1%
Shooting	3 9.4%	3 8.6%	1 3.3%	2 3.9%	7 11.9%	16 7.2%
Stabbing	13 40.6%	6 17.1%	15 34.8%	13 30.2%	15 25.4%	62 28.0%
Strangulation	18.8%	14 40.0%	8 18.6%	17 39.5%	23 38.9%	68 30.7%
Misc.	0 0%	1 2.9%	3 7.0%	1 1.9%	1 1.7%	6 2.7%

I am delighted at the contribution made by those who have testified so far. Yours is a very unique contribution. It probably has more significance than it appears at this moment. The analysis of it by studied minds will be revealing and will sustain our position.

Senator Marino's testimony was excellent and comprehensive; as I said before, and I will say again, probably one of the best I have seen in this area, and again, will make substantial contribution to our contemplation.

We are happy that you are here, and all of those who have participated continue to focus attention on the problem, and we have to focus attention on the problem, if we are to get any resolution. It is not to be treated as many other problems have been treated in our society—a sometimes interest.

Dr. DI MAIO. Thank you, again.

Mr. BIAGGI. Doctor, good luck. Thank you.

Mr. John M. Gallo.

Mr. John M. Gallo is a private citizen. He is 82 years young. He has been victimized, I believe, four times, and he would like to tell his story.

STATEMENT OF JOHN M. GALLO, PRIVATE CITIZEN

Mr. GALLO. I was victimized about four times, as you say, but one instance was the worst one I ever had. One man got me into the elevator, and I had plenty of money with me because it was Friday. I had to pay my people to work. I had $140.

Mr. BIAGGI. Are you still in business, Mr. Gallo?

Mr. GALLO. Yes; I keep going yet and I keep going until 100. I have plenty of power to go yet. I am not afraid to go out and I keep going without any fear in the streets.

Now, when this man come in, he says, "Where is the money?" because I had one bag with some seeds in them. My wife wanted me to take it home. But being that I come out from the bank, he thought that I had a lot of money in the bag. So he says, "Where is the money?" and he tried to knife me right then and there, and I was perspiring because I knew this was the end of me.

The knife was about 6 inches long, a very strong knife that would go into anything. He says, "Where is the money?" I says, "Here's the money." I says, "Calm down, calm down. Maybe you need money better than I do." I says, "Don't get all excited." and I touched him, see, and I smiled although I was really in bad shape.

I says, "There's the money. That is all I got." I says, "Take this but watch out; somebody is coming." I says, "Go away, go away, somebody is coming." That was the end of it. He ran and left me there. I didn't know if I was going to go out, if I stay there, I didn't know what to do.

I just went out and looked for an officer, but what could the officer do, the whole thing was over. So I didn't even report the case. What could I do? What could they do to me? That was all over and I had forgotten.

Mr. BIAGGI. Why didn't you report the case, Mr. Gallo?

Mr. GALLO. Well, I feel like a fool to go there and tell them what happened. So what do you want us to do now? That is what I say.

Mr. BIAGGI. Don't you know you could be helpful? Perhaps this fellow has committed a crime in other areas. You could describe him perhaps a lot better than some other victims.

Mr. GALLO. Now I know better. See, one time—this is a good time to tell you what happened to me in the Bronx because I didn't see anybody mention this. I was in the Bronx and I was lost, looking for a man that used to work for me, a very good man. So I couldn't find the address and I was turning around. It was about 4 o'clock in the afternoon in the winter.

I knew I was lost, so I got scared because the neighborhood was kind of funny, and I didn't know where to go. So I look around and I saw the two boys, no more than 13 or 14. So they come out from nowhere, I don't know, and they were looking at me in a funny way.

I says, "Oh, oh, here I am now." I didn't just go away and run. I says, "I am going to fight with them, they are small anyhow." As small as I am, I push one. The other one with the knife, he turned around and slashed me right on my shoulder, but I didn't feel any pain.

So the other one ran and whistled. He had a whistle in his hands. So that whistle, two big men came out from the bar. I figure now that those two punks, they tried to get money from me, or from anybody else for that matter, and those two big people get from me, may give them so much percent, because they know these little punks, they don't get hurt by the law.

The cop has no power in the street. My business is on 39th Street and 8th Avenue, and believe me that is the worst district for everybody. I don't say—this year the men in there, they don't fear the cop, and one man cannot be arrested. Three cops fought with him very, very fiercely. We tried to help them out but he ran away. What happened, three policemen couldn't arrest a man because the cop has no power, and people know that the cop has no power. That is why they do so much.

Other times I won't even mention because that is ridiculous, but I am not afraid, and I would advise everybody not to stay home and bury yourself for no reason at all. Go out and don't have the bags—once a woman has a bag, say, "Come on, take it, here it is." Don't show no bags, no nothing, and if you can go out, try and pick up a friend, a friend that is on the same floor and say, "You want to go to the store, to the A. & P., let's get together." Three or four together is not so bad as one. One is very bad.

That is my advice. Those little punks, they have got to be punished, and the law now, they give them to the father and mother. That is a terrible thing to do because the father and mother, they are not good to take care of that little boy. What happens, the boy goes home, finds nobody. The man is in the bar and the woman is walking the streets because she is making a lot of money.

What can you do? He goes again to do something wrong and goes again in the custody of the father and mother.

Mr. BIAGGI. Mr. Gallo, do you think the law should be changed so that these young people should be treated in the same fashion as adults in the serious crimes?

Mr. GALLO. Not exactly the same fashion, but at least take them out of the street. Put them in some place where they can learn a trade. They have to learn a trade because if you give them back to the father

and mother, but they are no good, it won't do him any good. It won't do the father any good.

Mr. BIAGGI. Some fathers and mothers are very good and they have boys that go bad.

Mr. GALLO. If they are very good, let them pay for the damages that their children do, so this way the father will take care because I have children myself, that they are perfect. I have wonderful children and I am proud to have those children because I was a very strict father.

Mr. BIAGGI. You were victimized four times, weren't you?

Mr. GALLO. Yes.

Mr. BIAGGI. When was the first time?

Mr. GALLO. The first time was about 4 or 5 years ago. They come into my office.

Mr. BIAGGI. Why haven't you gone out of business or left the city? Aren't you afraid?

Mr. GALLO. I don't want to do that. I love my New York. I have faith in my New York. I know New York is going to go back, and it is going to go back like in 1920's although things were not so good, you know, in money matters and things like that. But still I leave my office about 12, 1 o'clock in the night because that was the time I tried to make good in my business, and I succeed now, and nobody bothered me in the street, nobody, nobody bothered me in the street. I used to take the subway, go over to my home.

Now, my first wife died. Now I live in New York because I love New York. I won't leave New York for anything. I live in Lincoln Center but I am lucky that I can pay the rent but the poor people that live in places where they are in bad shape, I am sorry for them.

The only thing to do is not to go out with bags for the women and not to go out alone. That is the only thing. The law has got to do something, but I don't know what can probably be done.

Mr. BIAGGI. I want to thank you, Mr. Gallo.

Mr. GALLO. That is all I can tell you—my poor English. I didn't go to school. I came to America, it was about 1918, and here I am working yet.

Mr. BIAGGI. I appreciate your spirit.

Mr. GALLO. Well, it's all right. I wish everybody would listen. Thank you. It was a pleasure being here.

Mr. BIAGGI. We will have a 10-minute break.

[Whereupon, a short recess was taken.]

Mr. BIAGGI. The meeting is called to order.

Police Officer June Klippel and Detective Tom Sullivan.

STATEMENTS OF POLICE OFFICER JUNE KLIPPEL AND DETECTIVE THOMAS SULLIVAN, NEW YORK CITY POLICE DEPARTMENT

Mr. BIAGGI. I know Tom. Ms. Klippel, are you with the robbery unit?

Ms. KLIPPEL. Yes, I am.

Mr. SULLIVAN. She is one of our decoys, Congressman. About a month ago we received a couple of policewomen to use as decoys, and we have started the program—it has been in operation about a month so far. We are still getting the kinks worked out, but we have made a couple of great collars with them.

One in particular was a problem we have from the Grand Concourse with the students from DeWitt Clinton High School riding on the buses and victimizing the elderly. We dressed June up one day and another female, Joanne, and we put them on the bus, and within 10 minutes the kids struck and we had two arrests for grand larcency.

We also utilize them in confidence schemes. It seems that when the elderly are being ripped off in a confidence scheme, the bad guys are on the alert for police officers. They are looking all over the place. We found out last week that if June and I rode in a car together, they don't make us at all, and we can stay right with the game as it is going down. Again, we made three arrests for grand larcency confidence scheme with the use of decoy policewomen.

Mr. BIAGGI. How long have you been using decoy policewomen?

Mr. SULLIVAN. The decoy policewomen, about a month. We have a problem with our phase of it because to stay on top of the policewoman to protect her is very difficult in a situation where you are moving around the streets, and in order to utilize them properly, we have to have the decoy go out and walk on the Grand Concourse or walk on Fordham Road, and then go into a hallway.

Sometimes they will rip her off on the street, so we have to have the manpower to watch them on the street, and then try and set up a hallway where we can take——

Mr. BIAGGI. You have two backup men?

Mr. SULLIVAN. No, we have four.

Mr. BIAGGI. Four backup men?

Mr. SULLIVAN. Yes.

Mr. BIAGGI. How distant are you?

Mr. SULLIVAN. We try to stay within, you know, feet, you know, the way it is sometimes.

Mr. BIAGGI. Sometimes they are slow, June?

Ms. KLIPPEL. No, they had best be there.

Mr. SULLIVAN. It works out fine, you know, that way. We try to do everything as safely as we can and, you know, what happens is that on occasion we run into a situation or we could run into a situation where the guy strikes before he finds out that we are there, and this is what we have to watch out for.

Mr. BIAGGI. Is this the only decoy unit you have in these robbery units?

Mr. SULLIVAN. In the senior citizen robbery unit, at the present time, I think June and Joanne are the only two female officers involved, but I am sure as soon as we get some experience, that the other units will pick up the same tactics.

Mr. BIAGGI. How many do you have of the senior citizen robbery units?

Mr. SULLIVAN. There is one in every borough now.

Mr. BIAGGI. Are they enjoying the same amount of success?

Mr. SULLIVAN. I really haven't gotten a progress report on them yet, but I am sure that they will once they get their feet planted firmly and find out where the problem areas are, and start an aggressive attack.

Mr. BIAGGI. How well are you doing?

Mr. SULLIVAN. We are doing fantastic.

Mr. BIAGGI. For the record, Tom.

Mr. SULLIVAN. For the record we are doing—we have, as of this morning, 90 arrests for this year, and we have approximately a 98-percent conviction rate in court.

Mr. BIAGGI. Commissioner Codd testified this morning in connection with the process that has been developed with relation to the court and the complaint to minimize the discomfort and reduce the time of presence in the court.

Why don't you run through the process now.

Mr. SULLIVAN. Well, what we do is, if a senior citizen is the victim of a crime and we happen to catch the case or handle the case, the detective that is assigned the case works one on one with the senior victim. He is always the detective that she will speak to. He is always the detective that will be involved.

We never ask the senior citizen to do something without us being present. In other words, if it is required to go down and look at photographs—well, go back one step. We carry a portable suspect file with us. Most of the stuff we do in the senior citizen's house. We never ask her to go down to headquarters or go anyplace else.

If she does have to go to headquarters because maybe she got a real good look at him, and we feel that it might be somebody else, it might be an older person, the people we keep in the suspect file, we take her by car. If we make an identification, we take her again by car to the criminal court system. We have set up a telephone alert system so that the senior citizen can stay at home the day of the appearance or go down to a local center. If we need her, we will call her. The district attorney in Bronx County, Mario (Merola) has really helped us in that area, and the judges in criminal court and supreme court have also worked with us.

They know that if we say we will be there at 3 o'clock in the afternoon with our victim, we will be there at 3 o'clock, and we haven't had any problems yet. The funny thing is that if you do get a complainant to go to court, you will find that the criminal is ready to take a plea, especially under the system because the lawyer can keep putting the case off time and time again. He doesn't inconvenience anybody except himself because the police officer is working anyway, and the victim can either go and carry on her normal everyday activities and be available for court on a telephone call.

So in that way it has really reduced the time in court for the complainant. We find that the average appearances for the complainant are about one, maybe two times. They are always treated with respect in the court and are taken first. If there is a line, special consideration is given to them.

That is one of the reasons we have such a great success in court.

Mr. BIAGGI. A 98-percent conviction?

Mr. SULLIVAN. Niney-eight percent.

Mr. BIAGGI. That is extraordinary—extraordinary.

Mr. SULLIVAN. The best part of it is that the majority of them go away for time, too, but that is because of the press.

Mr. BIAGGI. So one of the benefits of focusing attention, public attention, on the problems, in addition to the crime itself, the media and hearings like this continue to highlight the problem?

Mr. SULLIVAN. Sure.

Mr. BIAGGI. The court does respond.

Mr. SULLIVAN. The court responds because they are afraid. The judge that sits in court is afraid. He is afraid that I am going to go down here and shoot my big mouth off and tell you what is really going on.

Mr. BIAGGI. Tell us what is happening today in connection with the Timmons case. Are you aware what is happening?

Mr. SULLIVAN. I don't know what is happening today, but I am sure that Timmons won't be coming out this afternoon only because of the media and because of hearings and because of——

Mr. BIAGGI. I understand that there is a large delegation of senior citizens in the courtroom.

Mr. SULLIVAN. Well, this is something I advocated a couple of years back when I first started speaking at centers. I asked for a contingent to go down to court and to sit in court, and when a judge gave a bad sentence, they could sit there and go "Boo," put their thumbs down, and if he gave out a good sentence, they could put thumbs up and say, "Yea." And this is something that is happening because of the Ronald Timmons case.

But the judges, in particular, when they see—well, let's go back to the criminal himself that preys on the elderly, is a little smarter than the average criminal because he is looking for the easy way out. He is looking for the fast gain or what he thinks is going to be a fast gain with a likelihood of not being caught.

And now what is happening with the press and the media and the hearings such as these, it is focusing attention, and we find that the rate might be just dropping a little bit the past couple of months because of the attention being paid to this crime.

What has happened today is the kid on the street that is going out doing these robberies knows the surety of punishment. He knows that if he gets caught this month, he is going to go away. So he will wait until next month when things quiet down or the month after, and then he will be back on the street doing the same thing again.

Mr. BIAGGI. Dr. DiMaio said that 51 percent of the homicides, in his statistical report earlier, were committed in the residence as contrasted to corridors and the street and businesses.

What effect does your unit have on all three of those areas?

Mr. SULLIVAN. Our unit specifically is geared to inside the building, off the street, because, as Dr. DiMaio has noticed, we notice too that the more serious crimes happen out of the public eye. In fact, 24 percent of all the crimes committed against persons robbed in the building are committed against senior citizens, but senior citizens are only victimized 9 percent of the time on the street, which is a small figure.

Now, what happens is that if a senior citizen gets caught in the hallway by a bad guy, he tries to get her into her apartment, and if he is successful, she is at the mercy of the bad guy until he is ready to leave, and oftentimes what happens is that she is dead when he does leave. So if a senior citizen was going to be victimized, she is better off being victimized in the hallway, the public part of the hallway, rather than letting the guy get her into her apartment no matter what happens out there.

Mr. BIAGGI. So your unit has a measured degree of effectiveness and can only be assisted by the presence of a uniformed police officer in a relatively small way would you say? Let me rephrase that. What effect

would the presence of a uniformed officer have on the street, on the street crime?

Mr. SULLIVAN. Oh, on street crime?

Mr. BIAGGI. On the street facet of crime against the elderly.

Mr. SULLIVAN. I would say that, you know, if you had a uniformed presence, that we all know it deters crime, and there should be no difference here as far as deterring crime. In fact, I think some cities have—in fact, New York City has set up safe corridors, safe streets, where they can tell a senior citizen how to go shopping, what street to use, because there is going to be a uniformed officer present someplace on that street.

Mr. BIAGGI. But you need more than just a uniformed man?

Mr. SULLIVAN. Well, you need the investigative man.

Mr. BIAGGI. And you need what your unit represents?

Mr. SULLIVAN. Yes; for a senior citizen is a unique problem. It's not like, you know, it's a little bit more detailed investigation. Each of our cases is treated as a homicide, the same as if a homicide had occurred. We go out. We do a canvass. We do forensic sciences.

Mr. BIAGGI. Say that again now, Tom.

Mr. SULLIVAN. Each of our cases is handled like a homicide case.

Mr. BIAGGI. Any assault, any robbery?

Mr. SULLIVAN. Assault and robbery, we handle only robberies.

Mr. BIAGGI. Right. That is treated in a similar fashion to a homicide case?

Mr. SULLIVAN. Exactly. A thorough investigation is done in each and every instance. If the complainant can't identify, we attempt to locate witnesses who saw the person in the building. We keep track of the cases being committed in the area so that when we do arrest the person, we may not arrest him for the robbery itself; we may arrest him for an attempted robbery or for loitering in a dwelling or in a hallway.

He may be picked up by an anti-crime team, and then we go through our files and we pick out all the cases of persons that fit his description. We take photographs. You have lineups. And through this way, we identify him many times.

There was one case last year. It was a fellow that had done 23 robberies in hallways. He was arrested in the first instance for loitering, and as a result of that arrest, he wound up going to jail for 23 cases.

Mr. BIAGGI. What record did he have?

Mr. SULLIVAN. He had just gotten out of Attica about 18 months prior to this series of robberies, and he was in an upstate community for the 18 months that he was out, and then when he came down to the city, he started to rip them off like crazy every day. He was doing 1 or 2 jobs a day and he lasted about a week and a-half, which is the other thing about this type of a unit. We are right on top of it and I doubt that anybody could commit a series of crimes in Bronx County without us knowing about it.

And the average time is we find out, we start to suspect a series of crimes occurring about the fourth or fifth time, and I would say around the twelfth time, the person is identified and arrested, which, you know, again knocks it way down. As long as we get the crime reports from the public, we can sit right on it whether they can identify or not.

Mr. BIAGGI. You said something about there may be a falling off. Would you attribute that, at least one of the reasons for it would be the action of the judiciary in the recent period?

Mr. SULLIVAN. I don't think it has anything to do with the judiciary.

Mr. BIAGGI. In the sense of their putting them away?

Mr. SULLIVAN. You know, my cases they put away, but I only make a small fraction of the arrests for crimes in the city, and the majority of them are not put away. I feel this is where the problem lies. The problem lies in the fact that I, as a police officer, can go out and lock up a Ronald Timmons 23, 24 times without him ever going away. There is something wrong with the system when this happens.

I have made close to 1,000 arrests in my time in the job, maybe a little bit more, and I am hard-pressed to find one individual that I locked up for the first time, and if in reality, if the criminal justice system was working properly, I shouldn't have any arrests because the person that I come across should have been put away the first time he did it, not the fifteenth or the sixteenth time. This is where a lot of our problems come from.

Mr. BIAGGI. In the Bronx area in which you function, do you have any percentage of juveniles who are involved?

Mr. SULLIVAN. We have to date 94 arrests in our unit and there was 30 juveniles involved. That is persons under the age of 16. There was 40 under the age of 20. So that means out of the 94 arrests, 70 were adolescents, we will say from 14 to 19. So that is the bulk of your problem. The adult offender counts for the other, what, 24 arrests.

Mr. BIAGGI. How many times were they arrested, do you have any way of knowing?

Mr. SULLIVAN. Well, like I say, I haven't seen—you know we have had kids. I had one the day before election day locked up. It was the 16th arrest; now, 3 of them since July, 2 for rape, and not statutory rape. It was physical rapes. And then I locked him up. The judge was very upset with me—well, not with me—but the judge was a little upset that he was the guy that had to remand this kid, and the only reason I think he remanded him was because the New York Times was with me.

Mr. BIAGGI. Family court?

Mr. SULLIVAN. Family court. He was 15 years old. The kid, in fact, felt that something had to be done to him. He felt he needed some kind of guidance; he needed probation; he needed something.

Mr. BIAGGI. I think I can anticipate your answer, but I am going to pose the question for the record.

What are your views in connection with revising the law to treat juveniles in grievous crimes, serious crimes, in the same fashion as adults are?

Mr. SULLIVAN. I feel that if a kid is old enough to commit a crime, he is old enough to get punished for it. That is my personal opinion. If it's a serious enough crime, if it's a crime against anybody that is an A or a B or even a C felony, then he should be prosecuted as a felon and not to treat him with kid gloves.

Mr. BIAGGI. How about fingerprinting them?

Mr. SULLIVAN. Fingerprinting, this is the biggest disgrace in the world, is what happens in family court now. If you go into children's

court and you happen to have two children, one 15 and one 14, and what happens is that because of manpower restrictions on the police department, the police officer is not required at the first appearance if he is not a witness in the case.

So what happens, a sharp parent brings the 14-year-old instead of the 15-year-old to court. Now, the 14-year-old stands in front of the bench and the judge says, "Is that the person that robbed you?" The woman looks and looks and looks, and she says, "No; that is not the fellow." Case dismissed. There is no way for the court to know that that is the kid that I arrested, and without fingerprints there is no way we are going to do it.

If you have got a sharp kid, I am talking about a really sharp family, you start at 8 years old, start giving wrong names, you will never know how many cases he committed, and you will never know how many times he was in court.

Mr. BIAGGI. I want to thank you very much.

Mr. SULLIVAN. Thank you.

Mr. BIAGGI. I know you have done a great job. Let's talk to the police officer, June Klippel, who incidentally is a constituent of mine. You live in Silver Beach, do you, June?

Ms. KLIPPEL. Yes, sir, I do.

Mr. BIAGGI. That is God's country up there.

Ms. KLIPPEL. Yes.

Mr. BIAGGI. Some day they will discover it.

Ms. KLIPPEL. Don't tell them.

Mr. BIAGGI. How long have you been on the job?

Ms. KLIPPEL. Fifteen and one-half years.

Mr. BIAGGI. Is that a disguise?

Ms. KLIPPEL. Yes. Can I take it off?

Mr. BIAGGI. Only for the record. Only for the record because I am aware of it.

How do you like your assignment?

Ms. KLIPPEL. I like it. We have only been there a month, so we are really just getting into it. The first arrest on the bus really opened my eyes. I had no idea what these elderly people were going through.

They were not allowed on or off that bus without their pockets being gone through, their pocketbooks, they were pushed and shoved, and right in front of me two boys picked a man's pocket—15 years old.

Mr. BIAGGI. Consciously, with the man knowing it?

Ms. KLIPPEL. The man knew it, yes, he did, but he was afraid to say anything.

Mr. BIAGGI. That wasn't just larceny; that was robbery.

Ms. KLIPPEL. Yes; it was.

Mr. BIAGGI. What did you charge him with, grand larceny?

Ms. KLIPPEL. Grand larceny because the complainant wouldn't come with us.

Mr. BIAGGI. Because he was in fear obviously.

Ms. KLIPPEL. Yes; he was. He was a visitor from Washington and had been mugged three times.

Mr. BIAGGI. He wasn't a Congressman, was he?

Ms. KLIPPEL. No.

[Laughter.]

Mr. BIAGGI. I know that the buses up in that area have been a very serious source of problems.

What other cases have you had, June?

Ms. KLIPPEL. Well, we were with Tom on this con game where they tried to take how much money from the man?

Mr. SULLIVAN. $31,900.

Ms. KLIPPEL. That was prevented, but we found that if Tom and I sat in the car or followed this man on the street, that the perpetrators absolutely did not make us, they did not know we were there.

Of course, I am sure you have been in situations where you are sure that they know who you are, but they didn't know who we were.

Mr. BIAGGI. You get that feeling that they know.

Ms. KLIPPEL. Yes, we get paranoid, yes.

Mr. BIAGGI. Well, it is better that way than being lulled into a false sense of security.

Have you ever been assaulted?

Ms. KLIPPEL. No, not yet.

Mr. BIAGGI. Well, you will be. You will be. We have had some experiences. Some of the lady police officers have been badly assaulted.

What is your response to the thought that you are a form of entrapment?

Ms. KLIPPEL. I don't feel that way. I am not out there saying, "Come and get me" or putting myself in a situation that no other older person would be in. To me, entrapment is going in and doing something that no older person would do, but if I am walking the street or going into a building or riding on the bus, these are things that you expect senior citizens to do, and they should be able to do without fear. If they assault me, I don't feel it is entrapment.

Mr. BIAGGI. I agree with you and I am just amazed at the kind of comment that is made, that you get from groups or individuals. I think a previous witness testified that there was objection to this type of operation because it was construed as a form of entrapment. It is that kind of thinking, I believe, that has helped bring us to where we are.

I want to congratulate you and especially Detective Sullivan. I know he has been out there right from the very beginning, and you are on the first line of it, on the community activity side of it, as well as doing the job on the line. As for Officer June Klippel, and that is for the record, June, you are to be congratulated because in the end, I think you will be more exposed to peril than your male counterparts. I don't know if that can be construed as male chauvinism.

Do you have any male detectives who pose as elderly individuals or won't their ego permit it?

Mr. SULLIVAN. We haven't got into it yet.

Ms. KLIPPEL. We are going to make them.

Mr. BIAGGI. Good.

I want to thank you very much.

Arthur Schwartz.

Arthur Schwartz is a New York City transit police officer. He is accompanied by Lieutenant Canselery.

Lieutenant?

STATEMENT OF ARTHUR SCHWARTZ, NEW YORK CITY TRANSIT POLICE OFFICER (DISGUISED); ACCOMPANIED BY LIEUTENANT CANSELERY

Mr. CANSELERY. Well, since Chief Garalik was appointed to the New York City Transit Police Department in March 1975, he has innovated many new programs, one of them being the strategic crime squad which the decoys work out of.

In 1975 over 1974, there has been a 50 percent increase in felony arrests and a 14 percent decrease in the felony crimes where no arrests have been made.

In addition to the decoy, he has established a fare evasion unit which, in civilian clothes, stake out the booth areas, and they try to prevent the muggers, robbers, et cetera, from entering their system.

They have on numerous occasions picked up fare evaders who are wanted on warrants for robberies, homicides, et cetera. The fare evasion unit, in conjunction with the decoys, are responsible for the reduction in subway crime even though the Federal, State, and city crime has been on the increase.

Mr. BIAGGI. Well, to begin with, you have a very professional chief, Sanford Garalik, who has been an outstanding career officer, and I am sure he takes all the experience that is developed in the New York City Police Department into the transit to the benefit of the system, thankfully.

Why don't you tell me about exactly what Officer Schwartz does.

Mr. CANSELERY. Well, usually they function in a three-man team. We have daily meetings at the Transit Authority police headquarters and which the majority of times are chaired by Chief Garalik, and we go over the previous day's crimes.

We have a crime analysis unit and they figure where the crimes are most likely to recur, and using that information, we send decoy operations out into the higher crime areas where the crimes are most likely to occur.

And usually they are three-man teams; one man is a decoy, two men function as a backup. They either ride the isolated cars in the train or use the isolated ends of the stations, and they go up and down isolated stairways, making themselves available to the culprit who is intent on committing a crime in those locations.

Mr. BIAGGI. Officer Schwartz, you look sad.

Mr. CANSELERY. I think he is scared.

Mr. BIAGGI. I don't believe that. I said "sad."

Mr. CANSELERY. No, I said I think he is scared of the microphone. He is a tough cop on the road.

Mr. BIAGGI. That's OK. My money is on him.

Mr. SCHWARTZ. It is good to be sad. This way I look a little more helpless.

Mr. BIAGGI. That is what I was going to say. Is that feigned?

Mr. SCHWARTZ. It is feigned. I am not sad at all.

Mr. BIAGGI. How old are you?

Mr. SCHWARTZ. Thirty-five.

Mr. BIAGGI. You do a good job.

Mr. SCHWARTZ. Going on 90.

Mr. BIAGGI. How long have you been assigned to that?

Mr. SCHWARTZ. I have been doing this for a year, just about since its inception.

Mr. BIAGGI. Have you ever been assaulted?

Mr. SCHWARTZ. About 65 times. I have been ripped off about 65 times.

Mr. BIAGGI. What you are telling us is don't ride the subway.

Mr. SCHWARTZ. No; I am not saying that. It is a lot safer now since I have been ripped off.

Mr. BIAGGI. What is the rate of arrests?

Mr. SCHWARTZ. I have arrested everybody——

Mr. BIAGGI. Every one that ripped you off, as you say, was arrested?

Mr. SCHWARTZ. Has been arrested, yes.

Mr. BIAGGI. Convictions?

Mr. SCHWARTZ. Approximately 98 percent.

Mr. BIAGGI. Sentences?

Mr. SCHWARTZ. Not too severe, but those who have very heavy prior criminal records, not many, have done time.

Mr. BIAGGI. What is the age of the assailants?

Mr. SCHWARTZ. From 14 to about 24 seems to be the heaviest of the felons, of those committing the crimes.

Mr. BIAGGI. What is your experience in the family courts with the young ones?

Mr. SCHWARTZ. They seem to be very lenient with the juveniles, I think. We have had one that I know has been sent away. Otherwise, it is probation.

Mr. BIAGGI. Have many of them had previous records?

Mr. CANSELERY. Most of those apprehended do have previous records.

Mr. BIAGGI. Most of them?

Mr. CANSELERY. A great majority of them.

Mr. SCHWARTZ. I would say at least 95 percent of those arrested have prior records.

Mr. BIAGGI. Extensive records?

Mr. SCHWARTZ. Yes; I would say so. You name the crime that they have been arrested for before. I have had them for rape, homicide, what have you.

Mr. BIAGGI. Have they been institutionalized for those previous crimes?

Mr. SCHWARTZ. Oh, yes. A lot of them are out on parole, and even after they are arrested again, their parole isn't revoked.

Mr. CANSELERY. We keep a record in the transit police of the youths under 16 that commit robberies, et cetera, other crimes in the system. Unfortunately, the family court records are unavailable to the police department. So what we try and do is we started our own crime index file, and we keep a record of the youths that commit the crimes in the system, and we usually send a supervisor to family court or even to criminal court for the older ones, and try and impress upon the judge that this is a type of crime that repeatedly occurs in the system, and see if we can assist him in coming to a decision that this kid or this youth should be remanded.

Mr. BIAGGI. You were present when Commissioner Codd testified. I believe, at least when Detective Sullivan did, when he described the manner in which they treated the complainants in relation to the

whole court process which my experience tells me is excellent, so you don't waste people's time and don't make fruitless efforts.

Mr. CANSELERY. We have the exact same setup. We have a court alert when the complainant is called, when his appearance in court is needed. Other than that, they don't appear in court.

We have radio cars. Usually the arresting officer or the assisting officer will pick up the complainants at their homes and bring them to the court, et cetera.

Mr. BIAGGI. How many others are serving in the same capacity, Arthur?

Mr. SCHWARTZ. There are 40 men in the unit and 2 immediate supervisors, sergeants.

Mr. CANSELERY. That is in addition to other anticrime units, the tactical division, et cetera.

Mr. BIAGGI. Do the others have the same record, similar?

Mr. SCHWARTZ. I would say I am low. There are some that over 100 times have been robbed.

Mr. BIAGGI. Injured?

Mr. SCHWARTZ. A few have been injured. Fortunately, I haven't been.

Mr. CANSELERY. The violent crimes in the system aren't as the media makes them out to be most of the times. Most of the crimes in the subway system are crimes of opportunity, bag snatches, hat snatches, necklace snatches, watch snatches.

Mr. BIAGGI. What would they want from Officer Schwartz?

Mr. SCHWARTZ. Excuse me?

Mr. BIAGGI. What would they want from you?

Mr. SCHWARTZ. I have lost a couple of watches and wallets. I have been jostled and had my pocket picked.

Mr. BIAGGI. Jostled?

Mr. SCHWARTZ. Right.

Mr. BIAGGI. Were you ever assaulted with a weapon or threatened with one?

Mr. SCHWARTZ. On one occasion. Out of over, I think, 150 arrests, my team has been involved in, on one occasion one of the culprits had a weapon.

Mr. BIAGGI. What are your views on legislation that would hold a juvenile for certain grievous crimes accountable as an adult?

Mr. CANSELERY. Oh, I think that should be done because most of the youths out there are aware that their record prior to their being 16 years old really doesn't count against them.

They know that they are going to be coddled until they are 16. Then they realize that when they become 16—and they are well aware of this—then they will be treated as adults.

Mr. BIAGGI. They function with impunity.

Mr. CANSELERY. They know that really it's a kid's ballgame, they are going to be treated as kids, the punishment isn't going to be severe. Most of the time when they go into family court, they are out there before the cop is. The cop is still filling out the papers and going through the procedure of calling the details, et cetera, and they are gone and out there ready to commit another crime.

On numerous occasions you take them into family court and you find out that afternoon or that night or the next morning, they are back in again, involved in something else.

Mr. BIAGGI. What are your views in connection with requiring fingerprinting for these specific crimes?

Mr. CANSELERY. I think for the more serious crimes, that youths in the 14, 15, et cetera, age category should be fingerprinted, and the record should be kept of their previous crimes committed, and that they should be dealt with accordingly.

When they go before a judge, he should have an idea prior to sentencing exactly what nature of crimes were committed by this 14 or 15-year-old. I think when they get to be the age of 14 or 15, they should be well aware of the seriousness of the nature of a crime they commit in the system, in the streets, whatever.

Mr. BIAGGI. Did you testify earlier that the crimes in the subways are diminishing?

Mr. CANSELERY. That is right. There is a reduction. In fact, for the first 10 months of 1976, that is January through October, there has been a 75-percent increase in the felony arrests, and there has been a reduction in felony complaints, I believe 1 percent where there has been no arrest effected.

Mr. BIAGGI. Well, apparently the studies show that despite crime increase, that the recidivists are a constant figure, and their ability to stay out in the street and function contributes very substantially to the crime picture, so that if we have severe sentences and mandatory minimums taking them out of the crime cycle, it removes from society those who perpetrate crimes.

What you have testified to is just about every one you have arrested has been arrested before and many, many times, and it's a rotating system. I don't like to talk in terms of cliches because I deal with reality, but the fact is there isn't any deterring factor.

Now, you might not be able to convert them into a path of righteousness, but you could take them out of society so at least it removes the possibility of creating other victims by that particular assailant.

Mr. CANSELERY. You know, I worked in a youth squad. Prior to becoming a sergeant or a lieutenant, I worked for 7 years in the youth squad, and I made numerous apprehensions with juveniles committing crimes.

Most of the time when they got before a judge—and I have apprehended sometimes the same kid three or four times committing a crime—and when you get before a judge in family court, he will say to him, "All right. This time you are getting off lucky. We are going to monitor exactly what your record is, or the probation officer is going to investigate it," et cetera, "and if you come back before me, you are going to get 2 months, 5 months," whatever.

You can bring that same kid back in 3 or 4 months later and he will get the exact same story. It gets to be a mockery.

Mr. BIAGGI. We are mindful of that.

Thank you very much, lieutenant, and Arthur. Keep up the good work and be wary.

Irma Kramer.

STATEMENT OF IRMA KRAMER, DIRECTOR, BRONX "Y" SENIOR CITIZENS CENTER; ACCOMPANIED BY DR. MURRAY H. KIOK

Mr. BIAGGI. Don't tell me you were mugged on the way to the forum.

Ms. KRAMER. No, I wasn't.

Mr. BIAGGI. Ms. Kramer is director of the Bronx "Y" Senior Citizens Center and will discuss case histories of crimes committed against elderly members of the center.

Ms. KRAMER. I thank you very much for inviting me because I think it is time that we did more than give lip service to what has been happening.

I have a membership of 2,500 senior citizens. They come in for lunches and we try to give them an excellent program. However, when they leave—before they come in and when they leave—they are very, very apprehensive because they can get mugged, and they have gotten mugged. They have gotten sodomized. They have gotten raped. It is incredible what has happened.

About 1 year ago, I would say, we started a mugging record and we were amazed. We would announce at a lunch time and ask how many people had been mugged or robbed, and three-quarters of the room, people raise their hands.

We thought that possibly we could do something. So, as I said, we kept these reports, we sent them around, we spoke about them but, of course, nothing was done until quite recently. Just recently this has come into the news again so that people are interested but, of course, we want to keep this alive. We don't want this to go by the wayside as so many other things have gone.

If you have ever seen the senior citizen all black and blue, hurt, I mean it's a horrible thing to witness, and what has happened is that we are hoping that we can have something done. At this point, we have a policeman in our area twice a week, which is certainly nothing. I mean they go up and down the street on Fridays and on Mondays—and what about the other days in the middle of the week when there is no one there?

Yesterday, we came back——

Mr. BIAGGI. Wait just a minute.

Ms. KRAMER. Yes.

Mr. BIAGGI. You say when the senior citizens are not present?

Ms. KRAMER. When the senior citizens are present and there is no one there to protect them.

Mr. BIAGGI. There is no one there.

Ms. KRAMER. Now, yesterday we had come back with them from a trip and before I came back I called Tom Sullivan's group, and they had a policeman in the car there, and the people felt very, very secure, 100 people coming out. They could be ripped off coming home with baggage from a country weekend.

Now, with regard to the victims, what has happened is that the onus is on the victims and nothing is done to the victimizers, these people who are creating this havoc. They are young, they are very young, and nothing is done to them.

Mr. BIAGGI. What do you think should be done, Ms. Kramer?

Ms. KRAMER. I certainly think that they should be treated as adults if they can create crime such as they have been doing. As I said, if you see the people that are black and blue, and crippled from these incidents, it is just incredible.

Now I would like to read a few of these things.

Mr. BIAGGI. I only want to interject at this point that I have seen them. I have seen them, not in this career; I have seen many of them in a previous career when I was with the police department. I have seen them even in this period after the crime has been committed upon them, not simply the black and blue. How about the scars of the mind?

Ms. KRAMER. Of course.

Mr. BIAGGI. Which I think is even more dangerous, really.

Ms. KRAMER. Certainly. They are so frightened and I see this all the time, especially if we take them out for a day's outing. They are very excited, the seniors, about going out. They love it. But just before we are ready to leave, they get very apprehensive, and they say, "What time will we be home? Please make sure we are home in daylight," and all this.

So, you know, it ruins it. It really is terrible, and only if you work with them, and if you are in the police department certainly, and you see what happens to these people. They can certainly enjoy their lives a little bit more now that they have so many things for them such as these programs, these lunch programs, such as the medicare, medicaid, all of these things help them tremendously, and they can't enjoy their lives.

Mr. BIAGGI. I am aware.

Yes?

Dr. KIOK. If I may, that is the point—my name is Dr. Murray Kiok from the West Rax Jewish Community Council. We were involved in helping set up these senior citizen programs and in getting a lot of other programs for the elderly, and the cooperation we have had with the police has been fantastic. We have got a very good relationship and if something is going to happen—Irma mentioned this—they were coming back from a trip, so the police were there.

As a matter of fact, the two policemen that come twice a week, came at the police suggestion, coming to us. We also asked them for the third of the month when the social security checks come down, and they agreed to that, to make sure that they would get to the bank.

So that, you know, the police have been marvelous on these things, but it has gotten, you know, it is to the point where it is not just under the normal circumstances when handled by the police. For instance, one of the things that we have talked about, when the kids come home from school, and we always see kids bused and kids using buses, and they have special passes. But the times that people come out of senior citizen centers and want to get home before it gets dark corresponds very closely with the time the kids come home from school. So you are putting the victim and victimizer on the same bus at the same time, going right on down the concourse.

We have maybe six senior centers located right up and down the concourse. One of the things we have asked for is why not have a designation of a special bus coming and just winding up. It wouldn't cost any more, the same driver, the same bus, but it would be the senior citizen bus, so that people can get on that bus and know for the time they are on the bus at least that they are not going to be jostled. You had a few people talk about that here. I think that might be one possibility.

One of the things that we have also——

Mr. BIAGGI. On that point I have been exploring the utilization of school buses when they are not in use, but there is a very specific labor problem there; that union contracts are such that it would be a little costly.

Dr. KIOK. Let's work out an arrangement right now. We will supply drivers.

Mr. BIAGGI. The union wouldn't permit you.

Very frankly I am not very happy about the situation because I think it is an area where the drivers could be kept busy. They are being paid anyway and perform a great service. I have been exploring that.

Now, you just raised another point. Perhaps we can explore that so it makes some sense.

Dr. KIOK. Right. The other thing is that there has been a lot of publicity and talk about some, you know, escorts, tapped high school and other people coming through.

We have a proposal in with LEAA for a year now. It wasn't funded the first time. We are trying to get it funded this time. That is to have youths act as escorts for the elderly, and in this particular part of the Bronx we are talking about perhaps mostly black and Puerto Rican escorts with mostly the white elderly.

It is fraught with a lot of, you know, you have got the generation gap, you have got a cultural gap, you have got a racial gap, but I think it could work, and I think that while you can't supply, you know, policemen every single time you want to go somewhere, if you had a healthy teenager——

Mr. BIAGGI. That program is working in other areas.

Dr. KIOK. Yes; and we are desperately trying to get it started in the Bronx, and I think with all the kind of publicity that has been around on this thing, we are still having great difficulties on, you know, getting it to work, but I think that is something that would really be a big help.

Mr. BIAGGI. We will look into it.

I want you to know that some people have said we have had hearing after hearing after hearing in connection with this problem, and they are disparaging in their observation. They don't see it perhaps as many have seen it and I am sure you see it; it is a continued attention being focused on the problem.

In addition to it, there is another perspective. This Select Committee on Aging has only been in existence 2 years. It takes time to get geared up, and we have been responsible for additional funds coming into the Nutrition Act. As a matter of fact, we got $10 million additional for it. I happen to serve on the Education and Labor Committee, too, where that act emanates from. Next year we expect to have the former Senator Claude Pepper as Chairman of the Select Committee on Aging. He is most energetic and most concerned and desirous of getting good legislation prepared and submitted to the Congress for consideration. I am sure many of these suggestions will be given serious attention, and we may be more effective and productive in the next session than even in the first session.

That escort suggestion has been proposed and some people have put it into effect on a voluntary basis, whichever, but these are suggestions.

We are aware especially in the Bronx because that is my home, and I still live there.

Ms. KRAMER. You had mentioned something before about truants. My husband happens to be a truant—it's attendance teacher truant officer and they are cutting down on the truant officers so that they can't even, you know, keep a close watch on these kids that are running wild.

Mr. BIAGGI. I am not sure there is a real desire to keep a watch.

Ms. KRAMER. Well, obviously there isn't if they are cutting it.

Mr. BIAGGI. Because actually absent desire, you eliminate the need for the officers.

Ms. KRAMER. That is right.

Mr. BIAGGI. It's regression, really, and in addition to that I am not sure that we are getting the proper amount of reporting of crimes that are committed in schools and school areas by school administrators who think it is a reflection on their own administrative abilities.

They take the ostrichlike attitude and it is unfortunate.

Dr. KIOK. I know the question of the reporting of crimes is not—I mean we have 20 senior citizens on our staff who go around to help other senior citizens who are homebound, and a number of them should get, you know, what do you call it, difficult duty training, you know, pay or something like that.

Mr. BIAGGI. Hazardous pay.

Dr. KIOK. Hazardous pay, you know, and they worked out. See, I will tell you part of the things when we talked about law enforcement and some of the ideas, sometimes I think the programs that come down are kind of ludicrous. They put the blame on the victim, you know, the victim is at fault. I mean like this program to train seniors to be more careful. I mean you are talking about 1976, you know, they don't have to be trained. I mean they are well aware of what it is that they have to do.

Mr. BIAGGI. I think a greater consciousness has to develop because most of the senior citizens are rather philosophical and they have a greater love for people, and they look for the good in people at this point in their later years in life.

Dr. KIOK. Well, we don't want to change that.

Mr. BIAGGI. No, but that is why you have to raise that consciousness.

Dr. KIOK. Right.

Mr. BIAGGI. There is a greater potential. Where they are looking for good, there is possible evil, and they don't see it. There has to be an awareness.

Dr. KIOK. I am constantly impressed. I mean I have two people going into a building and they tell me that one person goes in first, goes in the elevator, and if she is OK she will wave, and then the other guy will go in. They will always do, you know, that same one back up the other.

But the business of finding money for training people to walk two by two or to keep their bags close at hand, that is the kind of thing I am talking about.

Mr. BIAGGI. You are talking about not getting the most for your dollar.

Dr. KIOK. Right, exactly.

Mr. BIAGGI. I agree.

Ms. KRAMER. Absolutely.

Mr. BIAGGI. Ms. Kramer, for the record would you cite some cases? Ms. KRAMER. Yes; as I said, each of the people who had been mugged came into us and told us exactly what had happened.

This is one for a 75-year-old lady, that says:

Walking with two others after leaving the Center, was mugged. Black boy, 14 years of age, tried to get bag, but it was on my shoulder. Taken to Lebanon Hospital Emergency. Have a concussion and pulled muscles.

This was a 60-year-old man. He said:

At the mailbox where the incident occurred, one black boy pushed me into my apartment which was opposite the mailbox. He threw me down, broke my nose, knocked out four teeth. He tore the pocket out of my jacket and took my wallet. Called police and was taken to hospital.

Ms. KRAMER. This was a lady, 65.

Six weeks ago four blacks grabbed my pocketbook. This happened at 2:00 p.m. I was previously mugged during the summer on 167th Street by several black boys. They tried to get my bag, but I ran into the supermarket and called the police.

I was walking from 170th Street to the hospital. One black youth ran purposely into me with his bike. I would have fallen if I hadn't leaned against the wall. They tried to grab my bag but I held on and screamed. They ran. They crushed my food with their bike. Another time, after leaving at 3:00, a young fellow followed me up the stairs, grabbed my bag with $13.00 in it and my pills. I was very upset, called the police. They wanted me to identify him. I was afraid.

On December 16, between 4:00 and 6:00, my house was robbed. They cut the locks on the gate which was on my window. Thirty-five dollars was taken, plus cloths and jewelry. I am living only as a widow on a widow's pension of $145.00 a month. I live in fright. Police told me to take the loss off my income tax which I don't pay.

As I entered my apartment, a young black man about 18 years was standing in the hallway. He pushed his foot in the door and threw me over, broke my glasses and took my bag with all of my identification. Called the 44th Precinct. They took the history.

Heard noises. Two Puerto Ricans came in and tied my hands and then tied me up to the bedpost with scarves and ties. They covered me with a quilt, told me they would kill me if I made any noise. They took the gag out of my mouth and asked where my Social Security money was. I told them it was in my coat pocket. They held two big knives near my throat. One of my sons is a police officer and the other one is a narcotics agent. The police came but nothing was found or returned.

I was robbed seven times, hospitalized. I was robbed while I was going home. I was going to the store and was knocked over, and they grabbed my bag. Police came, never found the thieves.

At 2:00 o'clock in the afternoon this past summer, a friend and I were sitting on a bench in Mt. Eden Park when suddenly I was struck by a black youth with a blunt instrument on the back of my head. I was stunned and still don't know why he accosted me. I became very nervous as a result of this incident.

A black man grabbed my pocketbook. A few months later the same man rang my bell, pushed me in the apartment, and put a knife to my head. Stole my jewelry and money and said, "If you don't give me more, I will kill you." I had $40.00 in my girdle. I pointed to it and took the money from there. He stole silverware and lots of other things.

Mr. BIAGGI. Ms. Kramer, how many of those do you have?

Ms. KRAMER. Well, I did have many, many more. I do have many more. I would say I have a couple of hundred.

Mr. BIAGGI. They are probably——

Ms. KRAMER. Repetitious.

Mr. BIAGGI. Yes.

Ms. KRAMER. Yes; but every one of these was a person-—

Mr. BIAGGI. In what period of time?

Ms. KRAMER. I would say that was within a period of a year, and this was not everyone because not everyone would even report it. They are afraid.

Dr. KIOK. We did a survey 2 years ago of all the senior centers—well, it wasn't even senior centers—just seniors out on the street. We went door to door, knocking. And we had more muggings than we had individuals that we interviewed. Many of them were just multivictims.

Ms. KRAMER. I would also like to tell you something. One of our people— you know, the people themselves have become very canny and they have become as though they were walking in a jungle, and they know that they have to fight back—anyway, one of our women came in one day and she said, "I fooled them." I said, "What happened?" She said, "Well, it happened again, but this time they took my bag and they got nothing." In other words, she behaved as a decoy.

Another woman came in and told me that—she said it was raining and she was walking in the street and had her umbrella over her head. Two little boys, 9 and 10 years old, came over and tried to grab her bag. One ran away; the other one, she caught with her umbrella, and he started to cry. She said, "Why are you crying? You almost hurt me and I am an old lady." This kid, believe it or not, said "This was my first job and I failed." And this is what is happening. They are young and nothing is done, absolutely nothing, and I say that if you are going to do something, start with them when you can get them and maybe do something.

Mr. BIAGGI. I agree. You might have been here when Mr. Kelley testified he was for reform. He thought the young should be subjected to the same process in certain specific crimes, but also he felt that these had the potential of being rehabilitated. So that sometimes even though we administer a hard sentence, as contrasted to what they are getting, in being a little severe, you are being most kind.

Ms. KRAMER. That's true, absolutely.

Dr. KIOK. I think one of the things that we talk about in terms of escorts is providing some alternative of some people legally to get a little money, these people who, you know, perhaps it's a question of providing some other means. I think if you had youngsters 15 to 16 who now provided a role model of somebody who is out there helping the elderly, working with the elderly, doing it legally, and in some way also might have an effect on some of these younger kids and provide a means for a change, you know, so that you don't have to—if the money is what you are looking for, it's not just a question of, you know, knocking off some old lady, but, you know, of helping.

Mr. BIAGGI. On the point, talking about escort, we go from the young to even the elderly, but I suggested to LEAA at one time that they spend some moneys and engage retired law enforcement personnel who have an attitude and experience, and they are still in very good physical shape, many of them.

Dr. KIOK. Well, our staff is made up of retired people, you know, people 75 years old, and most of them are, you know, that age.

The thought that we had in providing escort as opposed to, you know, just a strictly volunteer basis, is that you need some screening, you need some training, you need somebody to stay on top of it, and we had proposed to have either retired or perhaps laid-off policemen, but somebody throughly familiar with police procedures would be the people that would be the best persons to be handling this thing. That is the kind of thing that, you know, we would agree.

Mr. BIAGGI. I want to thank you, Doctor, and Ms. Kramer.

Dr. KIOK. Thank you.

Mr. BIAGGI. All I can say is thank you for your presence and your contribution, and don't lose hope.

Ms. KRAMER. We have.

Mr. BIAGGI. Don't. Don't, because each day, if you just listened to what was said today, there has been movement. It may not be the panacea. It is not the alpha and omega, but there is movement, and I have every level of government involved. We have people advocating reforms that 20 years ago would have been regarded as heresy and absolute regression. Now at least they are seeing the light of reality.

I am not going to talk about specific legislators, but even they have adjusted their position, I don't think sufficiently to deal with the reality, but they have adjusted their positions so that there is some political acceptance for them because if they would heed the public, they would have to come all the way over where there seems to be almost a sense of unanimity at this point in connection with some very specific issues: One, making a record available for a judge so he can make a considered judgment; two, treating these young people with relation to the specific grievous crimes.

Dr. KIOK. We have suggested that if we knew when somebody was going to be sentenced, we could fill—very quietly, within 15 minutes, have 20 senior citizens just standing, you know, facing the judge, and let the judge look at the seniors as he is about to sentence somebody; not to change the justice system so that the person is going to be found guilty or coerced, but I mean once he has been found guilty or just a question of setting bail so that, you know, the person will have an opportunity to prove or disprove his innocence, you know, but so that the judge looks out at the faces, and let him face that.

Mr. BIAGGI. Detective Sullivan testified that because a great deal more attention is being focused on the problem, judges are meting out more severe sentences.

I appreciate that human reaction. I think it is a sad commentary on the system. It shouldn't be that way.

Dr. KIOK. Absolutely not.

Mr. BIAGGI. There should be a steady, considered, realistic analysis of all of the facts and to evaluate the wrongdoer's offense and see how it relates to society generally, and then there should be a sentence imposed, but that would be utopia. What we do get, we get situations where we wax and wane. We are simple human beings, all of us, and we respond to environment.

Ms. KRAMER. Well, we wish you lots of good luck, and we certainly hope that you can do something that we can't do.

Mr. BIAGGI. I am hopeful. I am really hopeful. I think the State legislature, which is a very significant part because that is where you

will get it in this area, from our point of view, we are hoping to get some more Federal funds in and perhaps legislation that will deal with Federal crimes that might correspond with the State actions.

We are looking for a grant for a pilot program and perhaps we will get it sooner than most people think.

Dr. KIOK. Well, if you are looking for a particular area to try it on, try it on the Bronx.

Ms. KRAMER. Yes.

Mr. BIAGGI. You know that. I come in very clearly biased in that because I think—I don't know how it developed that way—but I think that the Bronx just about exploded into the scene as far as this type of crime is concerned. It is unexpected and it's concentrated. People don't understand that it is concentrated. It is not the total Bronx in that sense, because a lot of the Bronx has been ravaged, there is nothing left.

Ms. KRAMER. It is devastated.

Mr. BIAGGI. Oh, sure.

Dr. KIOK. The problem, as a matter of fact, has moved from what we would call the south Bronx, although, you know, now the south Bronx is practically Fordham Road and everything else.

Mr. BIAGGI. We don't have people living in the south Bronx. There are very few.

Dr. KIOK. Right.

Mr. BIAGGI. The houses are gone. There are vast areas of waste area, really.

Dr. KIOK. There is just one other, you know, it is a minor point but maybe it should be said, too. Irma read a number of things that constantly said "black" and "Puerto Rican" and "black youth." I think that that has been the case a lot, but in speaking to a lot of black elderly, they are saying that they are also being mugged, and it is not just a question of a black-white issue.

Mr. BIAGGI. Oh, no. I am glad you raised that point. We are aware of it, by the way, so that is why I didn't make a comment. This is interesting but the blacks are more victimized than the whites generally, always have been, nothing new, historically always have been. That is why it was always confused when people said law and order, why some people took the position that was directed at the blacks. The blacks are the greatest supporters. You listen to those black community leaders today in those community organizations. They want law enforcement and they are more vociferous about their demands, and if you leave it up to them to recommend punishments, you would be surprised at what they suggest because I have been there.

Oh, sure, the elderly are just ripped off fiercely. This is not a racial thing. This is just an easy mark.

Ms. KRAMER. It is just the fact that they are old and they are walking, and that they know when they get their money.

Mr. BIAGGI. That is true.

Ms. KRAMER. And though we have advised many of our people to have the social security check sent straight to the bank, a lot of them don't have the feeling that the bank is secure enough for their little bit of money.

Mr. BIAGGI. They must have it in their hand.

Ms. KRAMER. Right; absolutely.

Mr. BIAGGI. You have to understand. You have to go back and understand the whole thing. They must have it in their hand. I want to put it in the bank, you understand?

Ms. KRAMER. Right.

Mr. BIAGGI. I happen to think that is a good program, but how do you overcome a lifetime of uncertainty.

Ms. KRAMER. Right.

Mr. BIAGGI. I want to thank you very much.

Ms. KRAMER. Thank you.

Dr. KIOK. Thank you.

Mr. BIAGGI. Yes, sir?

STATEMENT OF FRANK KESTEN, PRIVATE CITIZEN

Mr. KESTEN. I have been here since 9 o'clock in the morning.

Mr. BIAGGI. Well, I am glad you provided an audience.

Mr. KESTEN. Well, I am not interested.

All these guys that spoke here, they gave nothing but statistics.

Mr. BIAGGI. Well, statistics are very important.

Mr. KESTEN. I agree.

Mr. BIAGGI. And we got some cases.

Mr. KESTEN. But I am a statistic that is not even in the record.

I have been mugged twice on the New York subway system, and this guy getting up, insisting on an appointment. I can't get near the guy.

I was mugged——

Mr. BIAGGI. What is your name?

Mr. KESTEN. Frank Kesten.

You get my mail most of the time. I have one where I mentioned the fact that you were going to run for Senator, and I have a good response.

Mr. BIAGGI. I gave you a good response. I decided not to run.

Mr. KESTEN. I saw in the newspaper, the article about the hearing, and I think what have I got to lose. It's my first time in the subway since 1975.

Mr. BIAGGI. Do you want to say something, Frank?

Mr. KESTEN. I would like to.

Mr. BIAGGI. Say it. Why don't you sit down and do it right.

Mr. KESTEN. I made a short note while I was sitting.

Mr. BIAGGI. Sit down. It doesn't look like such a short note.

Mr. KESTEN. My name is Frank Kesten.

Mr. BIAGGI. Where do you live, Mr. Kesten?

Mr. KESTEN. I live in Long Island, Queens, or Queens, Long Island. I am a native New Yorker. My connection with regard to the topic on the agenda is being a senior citizen who was initiated twice to date. I expect at least two more before I move to Florida.

Mr. BIAGGI. Did you hear Mr. Gallo? Were you here when Mr. Gallo was here?

Mr. KESTEN. I was here when everyone spoke.

Mr. BIAGGI. Well, he spoke; he was victimized four times, but he will not leave. He is going to fight, he says.

Mr. KESTEN. Well, I am not 82 yet.

Now, we listened to all these statistics, but I have something different. I would like to offer a suggestion instead of the normal barrage of questions.

When we put these JD's or juvenile delinquents away, let's build a domicile, or you can call it a reformatory, not a country club. Build something inexpensive, concrete floors, concrete brick, but something that they won't have a pleasure of being in.

Not only that, we have a lot of unemployment today. We have teachers looking for jobs. Let's build a little construction, give some of these teachers jobs, and have courses in these schools where these children—I still call them children because of their age—now, let's teach them something while they are in the school. If they don't want to learn, it is their own problem. If they don't want to learn, they will have ways of being penalized.

And going further, I have a strange suggestion. Why don't we have an ordinary committee composed of Legal Aid, Civil Liberties, NAACP, and let them make the regulations? This way we won't have any arguments about this is wrong and that is wrong. If they make the rules and regulations, then we won't have any static or arguments about the situation in hand.

There is more than a few notes to say, but I am calling this enough is enough.

Thank you for listening.

Mr. BIAGGI. Mr. Kesten, I am thankful for your interest and for your statements. You sound like an outraged citizen and you have every right to be.

Mr. KESTEN. I have 31½ years in welfare and they fired me because of age. I can prove that these young kids, they are only provisionals. When they get at a stage when they will need more money to raise a family, they will just quit this job, and you get more inexperienced people on the job.

But with my expertise, I can get recommendations from the director of the greatest center in New York City or even the entire Nation. That is Welfare Center 53, where I was a member. I can get any kinds of recommendations for my ability, but the age is against me, but I would like to see something done for the senior citizens over 65 that are still capable. Instead of going to work and work for a salary under the table, which is like a minimum salary, let's get some kind of employment for us, too.

Mr. BIAGGI. Well, let me respond to that. Just last week, the Select Committee on Aging, the various chairmen met with Representative Claude Pepper, and two specific parts of the general program deal with income of the elderly.

One is to remove the mandatory retirement at 65. We feel that an arbitrary or a uniform mandatory retirement at age 65 is not a salutary thing. Many people are most vigorous at 65 and even beyond that. We will be considering that as a form of legislation.

Another is to remove the limitations of earnings, and currently it has been amended. It will be $3,000 at January 1 of 1977. But in light of the inflationary trend and the general meager incomes that senior citizens have, we feel it is imperative that these limitations be removed

At least provide the senior citizen with the opportunity of being gainfully employed, if he has the opportunity, one, and two, if he has the desire.

So these are things you will be hearing about, but currently in connection with this problem, it is a narrow problem, but it is a vital one.

Mr. KESTEN. Well, I am being penalized for being a senior citizen because I am only allowed to earn $60 a week without having something taken away.

Mr. BIAGGI. I know.

Mr. KESTEN. I have got all the procedures. I worked on welfare and I could have gotten a job recently for $200 a week, but my wife said to me, "Why learn such an intricate employment when within 2 years you are going to quit?" So with due consideration of the man who wanted to hire me, I didn't accept it, but I will accept something where I can at least add to my social security income. Right now my wife is only going to work until she is 62.

Mr. BIAGGI. I know the situation; we just responded. If you will recall, initially it was $1,760. That is all you could earn. I initiated a nationwide drive to eliminate those limitations. I haven't been able to eliminate them, but we had them modified. Now you are able to earn $3,000, and hopefully in the next session we will be able to improve on that.

I want to thank you for your contribution.

Mr. KESTEN. Thank you.

Mr. BIAGGI. I would like to have the testimony of Alice M. Brophy, Commissioner of the Department for the Aging of the City of New York, included for the record.

[The statement follows:]

PREPARED STATEMENT SUBMITTED BY ALICE M. BROPHY, COMMISSIONER, DEPARTMENT FOR THE AGING, THE CITY OF NEW YORK

My name is Alice M. Brophy and I am Commissioner of the New York City Department for the Aging - an agency that since its inception in 1968 has acted as an advocate for New York City's 1,400,000 elderly. As we have worked to bring about an awareness of, and solutions to, the problems of older Americans, we have also worked to create a better understanding of the needs of this highly varied population.

I appreciate the opportunity to appear before you today and present the viewpoint of our Department.. Yet, it also greatly saddens me to realize how little headway has been made since the series of hearings we sponsored on this very subject a little more than a year ago when we saw a steady progression of senior citizens rise to speak out on crime and lack of safety on the streets. What this undoubtedly indicates is that though we do indeed have a fair understanding of the nature of the problem, we have not yet devised adequate methods for preventing and handling crime, nor for alleviating its causes.

Recently, we have all been bombarded with an outburst of publicity on a number of crimes which have been particularly vicious. We have read in our newspapers of several suicides especially poignant since the message was that those who took their lives could no longer endure the possibility of further victimization. We have heard and seen, over and over again, the explicit portrayal of the frequently victimized older person who has no way of fighting back, who must often endure catastrophic physical injury and financial loss and possible psychological imprisonment as well, if he or she survives the attack. The public, through our media, has been made more cognizant of the fact that when older people become aware of their vulnerability, they often restrict their freedom of movement in their community. And, in so doing, the general quality of their life is impaired, because they deprive themselves of necessary and enriching experiences and services, and this often leads to isolation, depression and despair.

Although it is obvious that there has been an increase in crime in our society, and that particular types of crimes have also been increasingly directed toward our elderly, I feel at this time it is not necessary to enumerate and reiterate statistics and reasons as to why and how the elderly have become targets of crimes. I would, however, like to mention the respons-

ibility I feel all us have -- parents, educators, health and social services personnel, employers, landlords and tenants, members of the criminal justice system, block associations, the media, and individual citizens -- to analyze what we are doing, have been doing, and are not doing, which contributes to the increase, rather than the decrease, in crime.

Each of us should make a disciplined effort to comprehensively investigate and analyze our special areas of input to see how it contributes to and can alter the way we deal with our criminals -- and the way we respond to the victims of crimes. We must also study how this system works together; rather than as separate entities.

However, I also feel we must act with caution. This type of concern frequently incites emotions which can create an atomsphere of fear, greater isolation for our elderly, and the seeking of extreme solutions by the more fanatical or those who hope to benefit by supporting a popular cause, without presenting adequate solutions. It also has the potential of creating another group of victims -- at this time, possibly our young -- if the present momentum is not held in check and properly investigated before action is taken.

Most crime is against the poor by the poor. It takes place in the halls of unlocked buildings, in elevators which anyone can enter, in "non-defensible space". The quality of life for the elderly is determined to a large extent by the quality of their neighborhoods, and the aged are frequently trapped in conditions over which they have no control. They are, in general, tenants of rapidly changing and deteriorating neighborhoods.

Crimes against the elderly usually take place close to the victims' homes and often in daylight hours with the large majority of elderly victims homeward bound when the crime occurs. However, they are also extremely vulnerable in their own buildings due to lack of doormen and unattended elevators.

Possibly there has been an increase in victimization of the old by the young because older people appear, and frequently are, too frail to cope on their own. The increase may also be due to the fact that we are living in a society that has basically lost any sense of veneration or respect for its older members. This may have its roots in the breakdown of the American family which has accelerated in the last 25 years.

This trend alone has posed new and serious problems which we must address. Now with more women in the work force; more one-parent families; more unwed mothers and understandably more "latch-key" children, and thus more makeshift arrangements for child care, there are more children coming from what are generally low-income households, who are idle, on their own, and who having lack of supervision are simply left to their own devices. This can have immediate and potential damaging effects.

As to job opportunities for teenagers, the Bureau of Labor Statistics states that 1.7 million youngsters between 16 and 19 are looking for work. The idleness rate among black teenagers is double that of white slum dwellers and so hopeless are these young teenagers in searching for jobs, they don't even bother any more.

Professor Eli Ginsberg of the Columbia Graduate School of Business has warned us that frustration can take the form of Ghetto riots and an increase in crime. In his view, there are already many thousands of idle urban youths who have taken up an underworld fringe existence -- running numbers, pushing dope or other rackets that are lucrative enough to kill their interest in such low-paid dead-end jobs which might eventually be available to them in the "straight economy". He sees these young people as a "time bomb" and says, "If we want trouble, the way to get it is to ignore the seriousness of this problem. We'll have a living hell." It is some of these disenfranchised youths who are the young criminals that are ravaging the aged.

Recognizing the seriousness of the crime problem, the New York City Department for the Aging has been working for some time to combat both crime and the fear of crime among the elderly.

For three years, our Bronx office, along with the Bronx Foundation for Senior Citizens (now named New York City Foundation for Senior Citizens) and police officers from the 43rd and 44th precincts of the West Bronx, have cooperated in a continuing crime education and service program for the elderly of the area that has served as a prototype for other programs around the country.

This program began when our staff became aware that not only was there a rising incidence of crime reported by the elderly who came to our office, but concern about crime and safety was uppermost in the minds of those seeking other types of assistance from us. As a result, we arranged to

have police from the 44th precinct come to our office on a regular basis (the precinct was 20 blocks away and therefore difficult for many elderly of the area to reach). The officers advised and counseled the elderly, singly or in groups, in ways to avoid being robbed or swindled, and as to what to do when criminally approached. They also checked out complaints.

This program spurred the publication and distribution of a brochure "Safety Tips for Senior Citizens" which offered common sense crime prevention advice on behavior in the streets, when entering an apartment building or elevator, in subways or inside one's own apartment. Further, a Speaker's Bureau was set up to send speakers to senior centers, and other programs for older people to discuss the subject of crime prevention.

There was also a secondary benefit of the program...the establishment of an effective referral system between our offices and the police precincts. Not only do the police refer to us victims of crime who need psychological reassurance as well as aid in recouping lost medicare, medicaid, and social security cards, and sometimes emergency financial assistance, but the police now know exactly where to refer any older person with any kind of problem.

We have also worked closely with another Bronx police precinct, the 48th (headquarters of the Bronx Police Department), which established a Senior Citizens Robberty Unit to do investigative work on muggings and robberies which occur inside building or apartments, rather than on the streets. Here, too, the police referred victims of crimes to us for counseling on the social and psychological problems of victimization. Within recent months, the concept of the Senior Citizens Robberty Unit has been expanded to six additional precincts in other boroughs.

The activities of the police and the Department for the Aging in the Bronx, with respect to crime, has stimulated still another program to help older people against crime. The Bronx Chamber of Commerce purchased nearly 10,000 whistles for distribution by the Senior Citizens Robbery Unit and the Department for the Aging.

Most recently, the Department for the Aging, under a grant from the Criminal Justice Coordinating Council, has begun still another project focusing on two neighborhoods. This project, known as Crime Prevention for the Elderly has three distinct components: public information, training and victim assistance. One center has already opened in Manhattan, and we are looking

for a location for the second in the Bronx. It is anticipated that the project will have a major impact on the lives of older people, in the two neighborhoods selected, through developing effective self-protection strategies as well as providing a replicable model of how best to give assistance to actual elderly victims of crime in a neighborhood setting. The public information and training materials directed toward helping older people learn how to protect themselves against crime will also be available for use in other areas of the City which are not presently our target areas.

We are in addition seeking funding for a further project whose goals will be: to assist elderly victims of crime to recover from the impact of victimization with particular emphasis on obtaining restitution for damages through the mechanism of the New York State Crime Victims Compensation Board; and to demonstrate through the development of programs in selected neighborhoods that strengthening the informal support system of neighborhoods, and the capacity of residents for self-help, can be an effective deterrent to crime, and a means of protecting older people against crime.

The latter program component is based upon the fact that older people are neighborhood-oriented and most have informal support systems in their neighborhood. The Department for the Aging's, Study of the Inner City Elderly , found that insofar as life space was concerned, most elderly satisfied their main needs within their neighborhoods, in most cases by being able to walk between services and their homes. And, further, the study graphically emphasized the supportive roles of friends and neighbors in the lives of urban elderly, even in the most deteriorated neighborhoods, and indicated that the degree of personal support, available from neighborhoods particularly, is often as great if not greater than assistance from children. Sixty percent of the elderly, 60 and over, knew at least one neighbor well and reported a high level of interaction for mutual assistance and socialization.

The purpose of this goal is to protect elderly residents from crime by building upon this significant and viable informal social support system. However, it is also recognized that in strengthening residential neighborhood activities, different neighborhoods have different needs and any crime prevention program that is to be successful must be tailored to these needs. Therefore, a secondary purpose of this goal will be to identify appropriate crime resistance activities for different types of neighborhoods. We hope

that we can involve block associations, local churches, voluntary associations, and other neighborhood groups in target neighborhoods in planning and implementing the program.

Among the activities to be considered will be "safe corridors" block watchers, vehicular patrols, dial-an-escort, and buddy systems. All neighborhoods would also maintain close ties with local police precincts and work to develop activities that would assist and relieve the police, and which would also emphasize roles for older persons. In addition, a special effort will be made to involve high school and junior high school students. While, it is unlikely that the hardcore, criminally-disposed teenager will be reached, involvement of other teenagers, will create an awareness on their part of the problem of crime and the elderly, and may act as a deterrent to others. Too often, projects involving the elderly tend to separate older and younger people. For this project to be successful, a solid working partnership between young and old must be forged. Such a partnership, it is hoped will carry over to other aspects of community life.

At the same time that the Department has been attempting to combat crime against older people with specific programs here in New York City, it has also been active at national levels, joining forces with other concerned groups to share our experiences and plan future program and policy directions. Through the Urban Elderly Coalition, an organization made up of area agencies on aging in major cities across the country and chaired by myself, the Department has assumed a leadership role in the development of strategies to alleviate the problem of crime against the elderly.

In addition, Department staff has participated in a recent seminar on Crime Resistance and the Elderly sponsored jointly by the Federal Bureau of Investigation, the National Retired Teachers Association, and the American Association of Retired Persons. Attended by law enforcement officers from all parts of the country, the seminar was the first step toward development of a national approach on the part of law enforcement agencies to protect older people against crime.

These programs and activities that I have described are important steps, and we are confident that they will have a positive impact. But there is even more that can and should be done to protect the older person. We must continue to focus attention on the existence and extent of crime against the elderly. An

essential means of doing so is to improve crime reporting by making the age of the victim a mandatory statistic. This information, rarely obtained up to now, can when combined with data regarding time, location, and type of crime, offer direction for preventive police measures. We would also encourage the reporting of crimes by the elderly who have been victimized and that the older people themselves organize as an advocacy group as well as work to develop positive and innovative roles in crime prevention without being totally dependent on other organizations.

Unless all segments of society - the family, the school, the church, labor and industry, voluntary and public institutions, and the police, together with community resources are used to their maximum to modify the problem causing the increase in crime then none of us, and especially the elderly, can any longer talk with any hope about improving the quality of our lives in our later years.

STATEMENT OF RONA SMITH, PARKSLOPE SENIOR CITIZEN CENTER

Ms. SMITH. My name is Rona Smith. I am from Parkslope Senior Citizen Center.

I am very sorry that I have waited all through this to testify now. I think basically we have got to start all over again and define the word "crime." We are focusing on one area which does not cover the areas that our senior citizens are victimized in.

I jotted down this morning because it would be too lengthy to submit right now, the names of people, and I ask the questions: What is a man to do who goes back to his home to find it has been stripped? The super greets him on the other side of the street and says, "We have cleared everything out of your apartment." He has just left his wife in the psychiatric hospital.

There is no coverage for this in Legal Aid. Legal Aid have the priorities. Our senior citizens cannot avail themselves of it because Legal Aid does not have them.

I have a lady right now. I took the notice which I picked up at the center before coming here this morning. Here is a lady who is without gas in her home. She has no cooking facilities. She had been taking coffee made on hot water out of the tap.

This is the notice where the landlord's gas, which heats the building, is going to be shut off by today. What do these people do? Where do they go?

Mr. BIAGGI. Well, they can call the city, in the City Department for the Aging, any number of places they can go.

Ms. SMITH. No, sir, there is nothing being done for them.

Mr. BIAGGI. Well, you asked me what they could do. I tell you they could do something and that is where they should call. They shouldn't just sit there. You can call the Housing Department. You can have the building inspectors up there. You can call the Department for the Aging, Mrs. Brophy. You can call any number of agencies and have them respond. If they just sit there and wait, you know, nothing is going to happen, of course.

Ms. SMITH. I have called the agencies, Mr. Chairman. In fact, I have a councilman on one for the last 4 weeks. The man is the last remaining resident of the building.

Mr. BIAGGI. Is Parkslope in the Bronx?

Ms. SMITH. No; Brooklyn.

It is just one case after the other. I ask, What can be done about the woman who was victimized within the welfare center, and taken in handcuffs and mugged shot and fingerprinted because she tried to tell another person who was seeking assistance, "You don't have to take this abuse," giving her councilman's number.

The buses, right, we have had a siege of pickpocketing. Their pocketbooks are being picked from the public telephone booths when these people make telephone calls. We have people who are entering apartment houses, gaining entrance through alleyways, basement doors, and coming up into back yards, and ripping people's clothing off the line and tearing it to shreds.

So how many captions of crime do we have? I think that is the question.

Mr. BIAGGI. Well, there are many captions of crime, no question, but we are talking about today—I am not saying we shouldn't consider others, and we have, we haven't considered every element, every category of crime—but today we are talking about that category of crime which has very direct and physical effect on the senior citizen, the kind of crime that could result in dismemberment, injury, and death. To me, that is critical. That is a crime against the person as contrasted to a crime against property.

Ms. SMITH. But the end result such as the gas, this is a crime against the person.

Mr. BIAGGI. But the gas situation could be remedied. If you give me the location——

Ms. SMITH. I have the location.

Mr. BIAGGI. All right. We will call. We will call right now.

Ms. SMITH. Thank you.

Mr. BIAGGI. Thank you very much.

The meeting is adjourned.

[Whereupon, at 2:30 p.m., Monday, December 13, 1976, the subcommittee was adjourned, subject to the call of the Chair.]

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